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SUMMARY OF NEWS.

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Politics of Europe.

High Treason.—We have already announced the seizure of fourteen individuals in Ireland, on a charge of high treason; and having stated the fact, we have little to add in the way of embellishment or of auxiliary circumstance. The men were all taken in the same house, on Tuesday, June 25, under a warrant, as is alleged, from the Government in Dublin. The Irish accounts "suppose that they were met for some treasonable purposes." It does not appear that the prisoners had proceeded to what was conjectured to have been the business of their meeting; but it is again "supposed" that they were waiting for others of their party. There is a general affirmation that several papers were found about the prisoners, which would "of course," when made public, throw light upon this extraordinary and unlooked-for occurrence; but the value of such light may be somewhat uncertain, if, as we find it mentioned in one of the Irish journals, the conspirators did without the assistance of pen or ink—very useful helps to that species of intelligence which is commonly derived from paper.

On the face of the thing, we can yet pronounce nothing as to the nature, the objects, or the magnitude of this plot; nor—if it may be spoken without offence—is the reality of the plot placed by any means above reasonable suspicion. Armagh has been for many years the reputed seat of Orange plans and combinations; and, as the centre of their power, it seems not a perfectly well-chosen scene for the conduct of conspiracies likely to provoke their resentment. The Colonel Blacker who busied himself in the capture of these presumptive traitors, is described to be an inveterate Orangeman, and "high in office," as the phrase goes, among that body of men. He is likewise said to be the only magistrate who had any information with regard to the conspiracy. It is hinted, that the 12th July—the grand festival of Orange turbulence—is close at hand; that it would be no small convenience for the Orange Yeomanry to be replaced on permanent duty; and that a favourable opportunity offers, before the southern insurrection is yet thoroughly extinct, to cram the Government with fresh alarms, and with new motives for dependence upon Orange zeal and loyalty. Upon these high matters we presume not to decide. The plot may be "a good plot as ever was laid"—the fourteen Ribandmen "true and constant—a good plot, and full of expectation." So were those which *O'Connell* invented, encouraged, betrayed, and was enriched by. There is no denying that the most apt materials for an illegal and even rebellious movement are to be found among a starved and despairing people. But whether the men just transmitted in chains to Dublin have been themselves incendiaries, the tools of incendiaries, or the victims of mercenary and meddling hypocrites, there are yet, we repeat, no grounds afforded for stating, with any confidence, to our readers. We should be most unwilling to suspect that, as the Insurrection Bill is now on its passage through Parliament, the Government itself could descend to the baseness of fabricating such a stimulus for the fears of our Legislators, as might be administered by the opportune detection of a conspiracy against the state.

Corn-Bill.—The Corn Bill, it will be seen, passed through its second reading last night (July 5) in the House of Lords, and is to be read a third time on Monday. Several noble Lords object-

ed to the passing of the bill during the session. We can only hope, from a sincere wish for the general welfare, as opposed to and swallowing up that of any separate class, that the provisions of this bill may never be brought into operation; for, in spite of all chicane, and cavil, bread at a high price, which in other words is but a modified famine, inflicts great suffering, and to legislate for that purpose is any thing but a humane or just proceeding. As to the sufferings of what are called the country gentlemen, any part of those sufferings which may have resulted from the necessity of defending ourselves against the foreign enemy, would inspire regret; but the truth is, that the country gentlemen are ruined by domestic extravagance, which none were so ready to encourage and sanction as themselves. They should have thought of these days when they were voting impunity to the authors and executors of the ruinous Walcheren expedition; when, instead of one, they were establishing three Courts, with all their appendages of civil lists, privy purses, Lords and Gentlemen in Waiting—a Court for the King, a Court for the Queen, a Court for the Regent; ten thousand a year to the Duke of York for visiting his Father! All manner of places and pensions in every department of state, lest the Crown should lose its just influence, to be sure! It is at once childish and unjust in any man, who has voted away his property in these rascally extravagances, to complain now, and to attempt to throw the burden upon the honest industrious poor of the realm, by raising the price of the bread which they must eat, for want of which they must die.

Landed Interest.—A paragraph in the TAUNTON COURIER, which we have extracted, gives a proof of the embarrassment of the landed interest in Somersetshire, by the example of one gentleman. We regret all such instances, as we would pity madmen returned to their senses, but whom we saw bleeding under gashes and wounds of their own infatuation during the paroxysm. The Midsummer rents are now due. They are, we fear, in most cases already condemned; they were anticipated, voted away in support of those extravagances of which we have summed up a few above. But now, could Ministers only get a House of Commons as virtuous, honourable, and intelligent, as that which passed the celebrated resolution about the one pound note and the guinea, to pass a resolution equally true that no rents are as good as full rents, then the landlords would no doubt begin to thrive—the evil would be removed!

Sir T. B. Lethbridge, Bart.—We hear occasionally, with much concern, of persons who are compelled, from the diminution, and in too many cases the annihilation of their incomes, to reduce their establishments to a degree of painful and humiliating economy. Among others we regret to state, is Sir T. B. Lethbridge, Bart., one of our county representatives, who but too truly predicted in Parliament the destiny which awaits the landed interest, and who is now, in consequence, about to give a practical illustration of the mischief, to avert which his efforts were so perseveringly directed. Sandhill Park, the patrimonial residence of the honourable baronet, is to be vacated, and he retires to a habitation at Luxborough, better suited to the humbler fortunes to which he must accommodate himself, from the perverted state of the times. Individually considered, this is a circumstance to be regretted; but as a specimen which points to the certain fate of a very large, efficient, and most valuable class of

the community, the event is pregnant with the most dismal forebodings. It fell to our duty some years since, to report the incidents of a day spent by a large military body at Sandhill Park, where under the ample shade of the majestic trees which adorn that lovely spot, several hundreds were regaled by the honourable baronet with his hospitalities, while a numerous assemblage of officers partook of sumptuous liberalities within the walls of his mansion. Verily, the proverbial ingratitude of Ministers seems but too truly asserted; for the country gentlemen are but scurvily requited for their honourable but no ardent loyalty and public services, and their firm but incautious confidence in those by whose measures they are now left the victims of a heartless policy. Volunteer corps and local militia, it is true, are not at present wanted; but that Government must be of very questionable wisdom, which embitters the lives of so many thousands who have been most zealous in upholding it, and whose perseverance is still essential to the resources of the state. Like the food, mentioned by Shakespeare, in the jaw of the ape, they seem to have been "first mouthed, to be last swallowed."—*Trautman Courier*.

The Statue of Achilles.—We have already adverted to the ignorance of the very rudiments of the Fine Arts which the opponents of this Statue have betrayed, and glanced at the inconsistency into which that ignorance has committed them. They now begin to feel the latter themselves, and not only "see evil in all things," but have discovered what no one before imagined, that the *Hercules* engaged at Somerset House has frightened away crowds of modest people from the Royal Academy, and killed the Nemesis virtue of several tea-sipping Nymphs from the other side of Temple-bar! It is very unfortunate for the Treasury of the Academy that this information was delayed till the late Exhibition had closed. We fear, however, that the patrons of cant and squeamishness have little reason to congratulate themselves on the security with which this son of *Jupiter* is shut up during nine months of the year, while so many other figures are constantly exposed in all parts of the town. Do they forget that a few yards from *Hercules*, in the open court of Somerset House, and beside the public gateway, called the Strand, there is at the foot of a Statue of our late gracious Sovereign, a brawny naked human figure, intended to personify the *River Thames*? Yet no one has ever imagined that this cold piece of sculpture was subversive of public morals, or, if that were possible, that George III. would have suffered it to couch at his Royal feet. On the contrary, experience has proved the *Thames* to be, in this situation, extremely innocent and chaste, whatever it may be in any other place from Greenwich to Richmond, particularly on "Sabbath evenings." Now we beg of the friends of decency and delicacy to mention a single circumstance of difference bearing upon this argument, between the Statue of Somerset House and that in Hyde Park—the one is uncovered, and so is the other—the one is on the side of the greatest thoroughfare in London, where people must necessarily pass it, and the other near an hebdomadal lounge, where no one goes but from the choice. The same observations apply to the Gladiator at the rear of Apsley House, lately mentioned by a Correspondent. That truly beautiful figure has never, to the present hour, been supposed capable of any crime, nor those on the pleasure grounds at Hampton Court. The object of the Artist is too well manifested in all of them—it too much engrosses the attention of the spectator, and is too exclusively delicate to allow of immoral and uncongential suggestions being obtruded. But if there is any force whatever in the objections made against *Achilles*, every one of those statues ought to be also abated as nuisances. Nor can the search-warrant for indecency in the Fine Arts,—itself contradiction in terms,—stop here. The innocent Fauns and Satyrs, the Discobulus, the Theseus and Ilysius, and the vast number of other *chef d'œuvres* of sculpture in the Townley and Elgin Collections, must be forthwith locked up from the public; and, strange to say, Westminster Abbey and St. Paul's require a similar purification! How the Cato of England must have slumbered away their Censorships to have allowed such boards of vicious excitement to accumulate in this chaste metropolis! We have always thought this nation moral and virtuous, and our country women celebrated for their purity

of mind and conduct; but it seems we have been deluding ourselves; unless the idle tailors and dress-makers about town have entered into a conspiracy for clothing Statues! Let the public, however, reflect that the only indecent figure in the British Museum is one with drapery, and that fact will suggest the principle on which the question before them turns. We do not, for instance, believe that our ball rooms or even our promenades would be more innocent, if instead of their present shapely and straitening habiliments, gentlemen were to dress in all the accommodating amplitude of petticoats. In short virtue, or real delicacy, is independent of such extrinsic considerations; and where the Arts are concerned, decency in no respect necessarily consists in drapery. The only picture which we have seen at the Royal Institution bordering on grossness, was one exhibited last year, in which all the purposes of concealment were effected by the disposition of the figures. But the object of the Artist (Rubens) was in part delicate, and the picture, to us at least, disgusting. There is at the same place this year, a painting of St. John, as much liable to a charge of nudity as the Statue of *Achilles*; but we are positive, that, except some person of depraved ignorance, no one ever had a feeling but that of admiration of so fine a specimen of the Art. Like *Achilles*, it is true to nature, and the principal use of the drapery introduced is to fill up angularity, which, from the attitude of the Apostle, would otherwise offend the eye; but it is only because the drapery thus perfects the flowing and symmetrical grace which pervades the whole, that the lover of Art admires or thinks of it. Yet this, or similar productions of genius, are to be in future torn from the walls which they ornament, and buried in the next graves which can be found for them. The same Gothic antipathy to Art will of course consign Mr. Bayley's exquisite work at the late Exhibition (*Now at the Fountain*) to the vaults of Somerset House—a work which stamps the genius of its author, and does honour to his country! It is true that lovely creation had no wet sheet thrown over it to save the blushes of slipshod criticism, and hide the incapacity of the Artist; but it was a concentration of natural beauty which raised the mind to aspire after its prototype, and thus, like the study of the Fine Arts in general, by refining the taste gave a nausea for gross or ordinary objects, and led our desires passionately towards perfection. Doubtless, however, this is all very criminal. The nearer we remain to savage existence, and the more we are victims of rude animal instinct, the higher our rank in the world, and the more choice our happiness! The Greeks derived painting and sculpture from the fondest and chastest sympathies of our nature, because they saw the cultivation of those Arts productive of such consequences; while we ascribe the most debasing effects to the same source, in order that we may extinguish it. It would, perhaps, be difficult to illustrate this opinion more appropriately than by a reference to the enchanting fiction in which the Greeks so poetically embodied their idea, and their admiration of Arts in question. We shall therefore conclude with a brief sketch of the story which they have transmitted to us, in the hope that it will afford some relief to the tedium of our general subject. It is as follows:—

"A maid of Corinth was in love with a virtuous youth; but her lover, in the midst of their mutual passion, was obliged to journey to a distant place. During the lingering farewell which preceded his departure, the maiden observed her lover's profile reflected upon the wall, by the flame of a lamp, when she instantly bethought of tracing its outline to preserve a resemblance of her beloved. She succeeded in the design; and her father, who was a potter, afterwards filled up the likeness with the rude material of his trade." Thus love and youth and beauty presided over the birth of these twin arts, whose object is to perpetuate the best and purest affections of the heart, and the most perfect conceptions of the understanding. The Censors of the present day would destroy those arts, and restore mankind to their pristine barbarity.—*Morning Post*, July 30.

Rein Deer.—The herd of rein deer brought from Lapland by Mr. Ballock have been purchased by Sir William M'Mahon, for the purpose of introducing the breed of this useful animal into Ireland.—*Dublin Patriot*.

Friday, January 10, 1823.

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Imperial Parliament.

HOUSE OF LORDS, TUESDAY, JULY 2, 1822.

The House met at 5 o'clock.

The Land Revenue (Ireland) Bill, the Juris (Scotland) Bill, and the Grand Jury Presentments (Ireland) Bill, were brought up by Mr. Brougham and other Members, and read a first time.

A Petition was presented by the Earl of LAUDERDALE, from James Brice, of Edinburgh, complaining of the appointment of a Curator of his affairs by the Court of Session, on the ground (alleged to be untrue) of his imbecility, and that he could not prosecute an appeal to the House of Lords against the decision of that Court, in consequence of the Curator refusing to supply money for that purpose from the funds of the Petitioner.—Referred to the Committee of Appeals.

The Distillation (Scotland) Bill, and the Westminster Improvement Bill, were read a third time and passed.

The Exchequer Offices (Ireland) Bill, the Welch Coals Bill, and the Middlesex County Rates Bill were read a second time.

The Roasted Corn Bill passed through a Committee, and was reported without Amendment.

STATE OF THE COUNTRY.—CORN IMPORTATION BILL, &c.

The Earl GREY presented two Petitions from parishes in Yorkshire, against the Corn Importation Bill, and took the opportunity of advertising to the notice he had given some time since, of his intention to bring forward a motion for an inquiry into the state of the Country, with a view more particularly to the agricultural distress, and to what he considered the only effectual remedy—a large reduction of taxation, which notice he subsequently suspended, in consequence of measures being in progress in the other House, which had since come up to their Lordships, involving the principle to a certain extent of a reduction of taxation, though not to an amount that he thought effectual. In now, therefore, abandoning his notice, his Lordship observed, that he wished it to be distinctly understood, that he did not do so on the ground that enough had been done with regard to the reduction of taxation. On the country, with reference to the measures that had been brought forward on the part of his Majesty's Government, he objected to the mode in which a part of that reduction was proposed to be effected, and which he considered as little better than a juggle; and he also objected that the amount of the reduction of taxation was not by any means sufficient to afford effectual relief. The ground upon which he abandoned his notice was, that he despaired of effecting any thing by bringing it forward that could tend to any beneficial consequence. He trusted, however, that the Noble Earl opposite would not find the system of measures hitherto adopted terminant in a result deeply to be deplored in a constitutional point of view, namely, the transfer of the land from the hands of the present possessors, the consequence of which must be that that House would lose a great part of that influence and authority which the possession of property to a considerable extent necessarily gave to it. It was for the Noble Earl seriously to conceive what would be the termination of the present state of Agricultural Distress when he looked to the inefficient measures hitherto brought forward for its relief.

The Earl of LIVERPOOL said, he could not participate in the apprehensions entertained by the Noble Earl, because he did not believe that any such result was to be feared from the state of the agricultural distress; but certainly if it was, no reduction of taxation could prevent it, unless it was carried to that extent as to commit a serious breach of faith with the public creditor, by preventing the payment of the interest of the public debt. As to the general question, he should be fully ready to enter into it, when any measure came before the House at all involving it. With regard to the Corn Importation Bill, he understood that during his unavoidable absence on the preceding evening, the Committee had been postponed till to-morrow, and that there was an impression that in that stage he was to open the Bill. He had come fully prepared on a former evening to open the Bill on the second reading, but he understood it to be then the wish of the House that the debate should take place on the third reading on Friday next. He had no objection, however, to the debate taking place on the question for going into the Committee, and to postpone the commitment for that purpose till Friday, with the understanding that the third reading should take place on Monday. He understood this arrangement to be agreed to.

The Petitions were ordered to lie upon the Table.

MARRIAGE ACT AMENDMENT BILL.

Two Petitions were presented by Lord STOWELL and the Earl of LAUDERDALE, from the Proctors employed for the opposite parties (Blythe v. Sober, calling herself Blythe) in a suit of nullity of marriage, in the Consistory Court, on the grounds of minority on the part of the husband, and non-consent of parents. The Proctor on the part of the husband stated, that the facts were not disputed on the other side, and

that judgment had been pronounced declaring the marriage null and void; but that an appeal had been entered with a view to the Bill now before the House, under the impression that by that Bill if passed into a law, the marriage would be rendered valid. The Petition of the Proctor on the part of the Lady prayed the protection of the House for her, she having already one child by her husband, and being pregnant of another (the suit was instituted by the husband's father.)

The LORD CHANCELLOR intimated a doubt whether Petitions could be received in this way from the Proctors in a suit, instead of the parties themselves, and we understood they were withdrawn.

The Order of the Day having been read,

Lord ELLENBOROUGH moved the third reading of the Marriage Act Amendment Bill.

On the question of an Amendment in the first clause,

Lord STOWELL protested against its being understood to be the unanimous opinion of that House, that a marriage once solemnized in Church, under whatever circumstances of previous fraud, ought from that moment to be considered indissoluble.—From the long period the Marriage Act had been in operation; it had become generally known, and minors were fully aware that in contracting a marriage without the consent of parents or guardians that marriage was as little null and void. But the present Bill, by repealing altogether the nullity of marriage, offered a premium to the adventurer, who having overcome all the previous difficulties, and once got into church, was then secure of the marriage, which under the Bill could not afterwards be annulled, whatever fraud might have been practised to obtain it. As to the guards and securities against improper marriages, they were in reality worth very little; for could it be imagined that (it being impossible to set aside the marriage) a father would prosecute his son-in-law (the father of his grandson who might inherit his property, or perhaps his honours), so as to subject him to pillory or transportation for life? He trusted their Lordships would pause before they sanctioned a measure which might be the cause of so much misery to families, and consider the situation of unhappy fathers, whose children being once married, however improperly, or through whatever fraudulent means, they could not afterwards, if this Bill passed in its present shape, affect by any measure the validity of such marriages. His Lordship strongly objected also to the obstacles which by this Bill were thrown in the way of the marriages of the poor by banns. We understood him to conclude by moving to omit the clause.

Lord ELLENBOROUGH expressed his surprise that the Noble and Learned Lord should now pronounce a funeral oration upon the Nullity Clause, which he (Lord Ellenborough) understood to have been scouted nearly unanimously by the House. He could not agree with the Noble and Learned Lord as to the effect of the Marriage Act, or as to the operation of the present Bill if passed into a law. He was satisfied that the provisions of the Marriage Act had been frequently taken advantage of by men who wished to obtain possession of the persons of women, and who afterwards deserted them, and got rid of their claims, by means of nullity of marriages.—Under the present Bill, a man obtaining a marriage by perjury, would not only be liable to transportation for life, but he would be precluded from ever possessing himself of any property that might otherwise devolve to him through such marriage. This, therefore, instead of a premium to the adventurer, was, he thought, an effectual check upon him. He thought, if the Noble and Learned Lord mixed more with society, he would find that his opinion upon the subject was almost singular. He (Lord Ellenborough) being satisfied that the provisions of the Bill, as it stood, had given general satisfaction, and he had the authority of the Most Reverend Prelates to sanction his opinion, which he believed also to be the opinion of nearly the whole of the Right Reverend Bench, that a marriage once solemnized under the sanction of the ceremonies of religion ought to be indissoluble.

The LORD CHANCELLOR expressed his surprise at the attack made by the young Lord on a Noble Lord of some experience for not having lived sufficiently in the world (a laugh). He thought it rather to be concluded, both from his time of life and the nature of his pursuits, that he had lived a little in the world, and a little more than the Noble Lord who had made the charge against him. But he had appealed to the authority of the Right Reverend Bench; in answer to that appeal he would ask whether they had ever given an opinion tending to render valid all marriages since 1754, to which the putative father had given consent?

The Archbishop of CANTERBURY said, that neither he nor any Bishop in that House had stated at any time that the consent of the putative father rendered a marriage necessarily valid in law.

The LORD CHANCELLOR observed that the Noble Lord (Ellenborough) had grounded the whole of his argument upon that assumption.

Lord ELLENBOROUGH said that he had grounded the whole of his argument upon that assumption exposed by the Right Rev. Bishops, that

a marriage once solemnized ought not to be annulled, upon the ground that whoever God had joined no man should put asunder.

The Bishop of LANDAFF thought that the Noble Lord had taken an unfair advantage of the opinion delivered by the Bishops.

Lord ELLENBOROUGH contended that he had done the Right Reverend Bench an honour by giving them credit for the assertion of a principle which reflected honour on their moral and religious feelings.

Lord HOLLAND thought it was somewhat hard to put questions to the Right Reverend Lords, who generally had an objection to them; though he could not agree that his Noble Friend had been guilty of any unfairness in quoting the opinion of the Right Reverend Bench. The question, however, before the House was on the first clause of the Bill; and it should be remembered, that so far from adopting any culpable haste, their Lordships had been eight days in perpetual Committee upon its enactments. It had been said that the clause went to repeal the ancient law of marriage. What ancient law—the law passed in the year 1754? (*hear, hear.*) With respect to the clause affecting nullity, for which the Noble and Learned Lord contended, so far from punishing the guilty alone, its effect would be, in 9 times out of 10, to punish the innocent. It was agreed upon all hands that some alteration was required, and would they, in their anxiety to punish guilt, involve innocence, ignorance, and even unborn posterity in the consequences?

The clause was then agreed to.

The LORD CHANCELLOR moved an Amendment to the retrospective clause, providing that marriages obtained by license, when both parties knew that the putative father was living, and had not given his consent, should not be valid.

Lord ELLENBOROUGH thought that the question of the knowledge of both parties, independently of any other objection, could scarcely ever be proved in a Court of Justice.

The LORD CHANCELLOR said, he would divide the House on the question, if it was only to record his opinion of the measure.

The Earl of LIVERPOOL remarked, that Parliament ought not to interfere with suits actually depending, but was unwilling to go the full extent of the clause, which applied to all marriages in so great a lapse of time.

The House then divided on the Clause as amended.

Contents, 18—Not-contents, 68—Majority 50.

The LORD CHANCELLOR proposed his former clause for rendering valid all engagements entered into with respect to property for a valuable consideration.

The Earl of LIVERPOOL thought that qualification necessary to the retrospective clause.

The Earl of WESTMORLAND spoke against the clause as calculated to do away the effect of the retrospective clause.

After some further observations from the Marquess of LANSDOWN and Lord ELLENBOROUGH, who opposed the clause, and the Earl of HARROWBY and Lord REDESDALE, who supported it, the House divided—

Contents, 27—Non-Contents, 51—Majority against the clause, 24.

The next division was upon the original clause—

Contents, 48—Not-Contents, 31—Majority 17.

The last division was on the question that the Bill, do pass—

Contents 41—Not-Contents 18—Majority in favour of the Bill, 23.

Adjourned at half-past nine.

HOUSE OF COMMONS, TUESDAY, JULY 2, 1822.

IRISH DISTRESS.

Mr. DENMAN presented a Petition from Mr. J. G. Jones, in which the Petitioner stated his surprise at the ignorance or inattention of the Government to the causes of the existing distress in Ireland. Had they discharged their duties, provisions might have been purchased in this country within the last year, so as to mitigate the pressure of famine in Ireland, at the same time that it relieved the English farmer. Were the colonies of Ireland connected with political questions, the hired informers and spies of the Government would have been vigilant, in imparting information, and certain of ample reward. The Petition called upon Ministers to state in that House, how it was that these particular things had not been attended to? The Honourable and Learned Gentleman was at a loss to say what the prayer of the Petitioner was, but as it might be a calling upon Ministers to give such explanations, although he felt that House did not possess the power, yet he should move that the Petition should lie on the Table.

The SPEAKER said it was essential that the Petition should comprehend a prayer, no matter in what part of that Petition it was inserted. It would be for the House to determine, whether the present petition was compatible with that rule.

The Petition was brought up and ordered to lie on the Table.

The Salt Duties Repeal Bill was read a second time, and ordered to be committed to-morrow.

On the motion of Sir J. NEWPORT, the Irish Grand Jury Presentment Bill was read a third time and passed.

Mr. KENNEDY moved the Order of the Day for the third reading of the Scotch Juries' Bill, which after a few observations from the Lord Advocate and Mr. Kennedy, as to a statement of the latter in a former discussion, was agreed to. The Bill was then read a third time and passed.

SMALL NOTES BILL.

The CHANCELLOR of the EXCHEQUER moved the second reading of the Small Notes Bill.

Mr. HUME asked some explanations of a provision of the Bill, but we could not collect the answer of the Right Honourable Gentleman. It appeared, however, to be satisfactory to Mr. Hume and Mr. Ricardo.

Mr. JAMES wished to hear from the Right Honourable the Chancellor of the Exchequer, whether bank notes would still be considered a legal tender after May, 1823?

The CHANCELLOR of the EXCHEQUER replied, that every man was liable, after that period, to be called upon to pay his just debts in the current coin of the realm.

Lord FOLKERTONE objected to the Bill, as calculated to reproduce those very evils in the increase of forgeries, and of the punishment of death which began to disappear, with the suppression of the issue of small bank notes. The House ought to pause, before it again embarked in that course which had crowded the scaffolds, and produced so many other evils.

Mr. H. DAVIS supported the Bill, on the ground that the currency was not abundant, and that the present measure would remove that expedient without interfering with the other enactments respecting the currency.

Mr. JAMES said, that as the people were to have the option to receive either Bank Notes or Sovereigns, those who could be so silly as not to demand gold in place of paper, deserved whatever might happen. He was, however, opposed to the principle of the Bill.

Mr. GRENFELL understood when the Bill was originally introduced, that it was to leave to the Country Banker the option of paying either in Bank of England notes or in sovereigns. He did not, however, see any provision to that effect; and if not introduced by the Right Honourable Gentleman (the Chancellor of the Exchequer), he should, in a future stage, submit a clause to that effect.

Mr. JAMES was so decidedly hostile to the principle of the Bill, as it tended to revive that paper issue to which so much of the public distresses were to be attributed, that he was determined to take the sense of the House.

Mr. CURWEN trusted his Hon. Friend would not persevere in his intention of dividing the House. The country stood in need of the measure, and in the country they preferred the small notes of country bankers to any other species of currency.

The House then divided—For the Bill, 47—Against it, 4—Majority, 43.

MALT TAX.

Mr. WODHOUSE rose pursuant to notice, to make his motion relative to the Excise Licenses' Act, as it affected the Traders in Malt. He stated, that in 1803 a license of 5s. covered every expense; since then there had been a gradual increase, till it rose as high as 4l. 10s.; but by the Act which lately passed, a separate license of 2l. was required for every malt-house, unless when contiguous, so that a man who before paid 4l. 10s. might have to pay 30l. This Act, which he could not help saying was mis-called a law, had been smuggled through Parliament; the Standing Order of printing it before the second reading had been dispensed with; and the persons most interested scarcely knew of its being in parliament until they found it carried into effect. Its consequences were exceedingly harassing and grievous to the traders interested. He would not take up the time of the House by going into further particulars when the case was so clear, but he could not avoid observing, that it would be an absolute scandal on legislation that an Act containing such a principle as this did, and which was so introduced and passed, should continue on the Statute Book (*hear, hear.*) He then moved for leave to bring in a Bill to repeal so much of the Act of the 5th of May, 1822, as went to alter and amend the 25th Geo. III., relative to the additional duties of Excise, as far as regarded Traders in Malt.

Mr. W. SMITH seconded the motion.

Mr. BRIGHT said the Bill was of great importance, and that the country was greatly indebted to the Honourable Member who had brought it before the House; and such was its principle and the hardship of its operation, that he thought it only necessary to bring it before the House to have it repealed.

PARLIAMENTARY.

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Mr. LOCKHART said, that in consequence of what had occurred as to the mode of passing this and other Bills of a similar nature, he would, in the next Session, move the Standing Order of the House, that no Bills of taxation, or for the regulation of taxation, should be read a second time before they were printed (*hear, hear.*)

The CHANCELLOR of the EXCHEQUER contended that the Bill had not been smuggled through the House, or that Members were taken by surprise. He was glad, however, there was a clause in the Bill to enable the House to reconsider it in the present Session, but he did not think the principle of the clause complained of was objectionable, as its object was only to make the tax local, which had been before that time personal.

Mr. WESTERN said a few words in support of the motion.

Mr. W. SMITH followed on the same side, and insisted that the Bill had been smuggled through the House like several others introduced by the Treasury.

Mr. LUSHINGTON denied that the Bill had been improperly hastened, and said, that at the desire of the Member for Bristol (Mr. Bright), the third reading had been suspended for a week, as he wished to have an opportunity to look into its provisions, and yet he allowed the Bill to be read a third time, and to pass in silence. He observed, that it was not the general practice to print Bills of this kind before the second reading, as a matter of course, though it was competent to the House to make an order to that effect. As to the operation of the Bill, it went to prevent harassing suits, and the Honourable Member for Bristol would find, that if it were repealed, his constituents would be in a worse condition than before.

Mr. BRIGHT and Mr. LUSHINGTON mutually explained.

After a few observations in favour of the motion from Mr. Home, Mr. Bennet, and Mr. P. Moore, leave was granted to bring in the Bill.

IRISH INSURRECTION BILL.

Mr. GOULBURN rose to move for leave to bring in a Bill for continuing the Irish Insurrection Act. On account of the lateness of the night he would not enter upon the discussion, and therefore he trusted that the House would not think him wanting in respect, if he expressed a hope that Members would delay till a future stage of the measure any observations they had to make on it. With this understanding, he would conclude by moving for leave to bring in a Bill for continuing the Irish Insurrection Act for a limited time, to be afterwards determined.

Sir E. WILSON hoped that, as the measure was one of very great importance, the Right Honourable Gentleman would fix a day for the discussion of it.

Lord FOLKESTONE would, notwithstanding the Right Honourable Gentleman's not having brought on the discussion, detain the House for a few minutes. He had come up to town for the express purpose of stating his opinion on this measure; and as he would not have a future opportunity of doing so, he hoped the House would indulge him, while he expressed, as briefly as he could, his objection to the measure. The House would bear in mind, that when at the very opening of the Session this measure was introduced, the reason alleged for its introduction was, that Ireland was in a state of insurrection, and not of insurrection merely, but of actual rebellion. Now he would take the liberty of stating that the suspension of the Habeas Corpus had not been carried into effect in a single instance. The information upon which the Act had at first been passed, had been meagre; and the Noble Lord opposite had pledged himself that the whole state of Ireland would be gone into. Many Members of the House had, no doubt voted for the measure upon the faith of this pledge, which after all had not been redeemed. The Noble Lord and others had said that Ireland was in a state of absolute rebellion. This had, however, been denied by the Honourable and Learned Attorney-General for Ireland (Mr. Plunkett) who had described the whole disturbance in Ireland as being contemptible. The House had thus been induced to pass the Bill under false pretences. The Noble Lord then referred to the paper on the Table of the House, and particularly to the dispatches of the Lord Lieutenant of Ireland, of the 1st and 21st of May, in order to show that the state of Ireland had instead of improving, become absolutely worse under the operation of the measure. The turbulence and violence had no doubt been put down, but then the putting of them down had been only temporary, and under the pressure of the measure, and the spirit of the people had not been corrected. It would be dangerous to render permanent a measure which conferred such powers, and which after all had been found not efficient (Mr. Goulburn said, it was intended to continue the measure only for one year). One year would not be sufficient for ascertaining whether the measure was to be beneficial or not. It had already been in operation for five months, and it had not done any good; there was, therefore, no presumption in favour of a measure which should continue for a year. He thought it wrong to delay the discussion, as the Government, or at least several Members of it, were well acquainted

with the state of Ireland. It was true that Marquess Wellesley was now as Governor of Ireland; but it was equally true that the system of Government was not new.—Lord Liverpool and Lord Westmorland were well acquainted with Ireland; and even the Noble Lord (Londonderry) knew something about the mode according to which it was governed. That Noble Lord had, before Union, introduced a measure with regard to Irish tithes, a subject to which the feelings of the people of Ireland were very much awake. A great deal had been said about the cause of the present disturbance in Ireland; but that cause must sought either in their tithes or in the Catholic question. With regard to the latter question, it was known that one half of the Government was for it and the other half against it. At one time they had an Anti-Catholic Lord Lieutenant and a Catholic Chief Secretary, and now it appeared that the state of things was just the reverse. This could be no inducement for him to agree by the measure a—measure which appeared to be quite ineffectual. He thought they should introduce some real radical measure which would ameliorate the condition and correct the spirit of the Irish.

Mr. PLUNKETT begged leave to set the Noble Lord right as to the charge which had been brought against himself. He had never said that the state of Ireland did not call for the measure in question. He had only said, that the disturbances in Ireland were in no way connected with religious feeling. When the state of that country had been represented as something far more serious than it actually was, he had called it contemptible, and that word, though he had used it in the warmth of debate, he had thought not inapplicable.

Colonel BAGWELL referred to a Petition from 85 Magistrates of Ireland, who stated that the worst consequences would ensue if the Bill were not continued.

Mr. PEEL deprecated discussion in the meantime.

Mr. ABERCROMBY also deprecated discussion; and at the same time suggested that the question should not be argued till the Irish Constable Bill had passed.

Mr. GRATTAN recommended an early day for the discussion.

Mr. GOULBURN intimated that Thursday next would be advisable.

The Marquess of LONDONDERRY denied having given any pledge as to discussion relative to Ireland.

Mr. DENMAN complained that the measure would be putting Ireland for ever out of the pale of the constitution. He thought the clause which refused costs to those who had been successful in actions against Magistrates under the Act, was peculiarly objectionable; and that for the purpose of removing that and other offensive clauses, the Bill should be entitled a "Bill to continue and amend the Act in question."

Mr. G. LAMB wished to know how the Petition, to which an Honourable Member (Colonel Bagwell) had alluded, was signed?

Colonel BAGWELL said, by Clerk of the Peace in the name, and by authority of the Magistrates.

Leave was given to bring in the Bill.

Mr. GOULBURN then moved for leave to bring in a Bill for amending an Act relative to the appointing of Commissioners for Endowed Schools in England.—Granted.

The other Orders of the Day were then disposed of, and the House adjourned at one o'clock.

HOUSE OF LORDS, FRIDAY, JULY 6, 1832.

The Royal assent was given by commission to the roasted corn bill, the Irish window-lights bill, the Scots distillery bill, the metropolis police bill, the Irish Exchequer offices bill, the Westminster improvement bill, the Welsh coals bill, the Kilmaleham hospital bill, and the Brighton pier bill.

The commissioners were the LORD CHANCELLOR, Earl BATHURST, and the Earl of SHAFTESBURY.

An abstract of the late population returns was presented at the bar.

Lord DUNDAS presented a petition from the Unitarian Dissenters of the city of York, complaining of their being obliged to conform to the marriage service of the established church.

CORN IMPORTATION BILL.

A great number of petitions from owners and occupiers of land were presented against this bill. Lord ENSKINE presented six from the county of Suffolk, and several from the counties of Northumberland and Oxford, and two from the neighbourhood of Bristol; the Earl ORMOND presented two from Derbyshire; Margolis CAMDES, two from Cambridgeshire; the Earl of DUNSTON, three from Warwickshire; Earl FITZWILLIAM, some from the county of York; the Marquis of BATH, one from Somersetshire; Lord DACE, one from the neighbourhood of Hertford; Earl BATHURST, one from the county of Gloucester; and Lord CALTHORPE,

four from Warwickshire, and one from the county of York. The last petition prayed that a bounty might be granted on the exportation of corn when the price fell under 50s. the quarter.

Earl BATHURST moved the order of the day for the house to resolve into a committee on this bill. In making this motion in the absence of his noble friend, who was prevented from attending by indisposition, he could not help thinking that it would have been more desirable to postpone any further proceedings on the measure until his noble friend should be able to appear in his place; but as many noble lords had come from the country to attend this stage, he understood that it would be more convenient if he now stated the nature and object of the bill. In doing this, it would not be necessary for him to occupy much of their lordships' time. He would not enter into any discussion on agricultural distress, nor inquire whether it arose from a too abundant production, a deficient demand, or other causes. What he proposed to do was briefly to state what were the provisions of the existing act, the objections to its operation, and the nature of the change proposed by the present bill. The law, their lordships were aware, applied to all kinds of grain; but, for the sake of being more distinctly intelligible, he should speak only of wheat. As the law now stands, all importation is prohibited until the price rises to 80s. the quarter, and then a perfectly unlimited importation might take place. The consequence of this state of the law was, that when the prices rose, a transition took place all at once from scarcity to abundance. There was thus a constant fluctuation from low to high, and from high to low prices. By another provision of the law, foreign corn might be warehoused, and this corn was liable to be brought into the market on a temporary rise of price from a sudden alarm. After the ports were closed, a great quantity of this foreign corn still remained in the warehouses, and was all liable to be suddenly poured into market, on the ports being reopened. This quantity of warehoused corn, which continually threatened the market, operated like a nightmare to the constant terror of the agricultural interest. Their lordships might admit that there was a great inconvenience in such a state of things. The sudden transition which the opening of the ports produced changed at once all the relations of society. The master and the servant, the landlord and the tenant, had all their interests suddenly and seriously affected. The only way to obviate this evil was either to put a restraint on the quantity of grain imported, or by a graduated duty. Their lordships would feel that there were many objections to any regulation which might restrain the quantity imported. It would be impossible to frame any efficient law on the subject. If, therefore, it was wished to have a modified importation, that could only be accomplished by a scale of duties. What the bill now before their lordships proposed was this—that when the price of wheat should rise to 70s., but under 80s., the importation of foreign corn should be allowed on a duty of 17s. per quarter, payable for six weeks, and that after the expiration of these six weeks, the duty should be reduced to 12s. If the price rose about 80s., but under 85s. duty becomes 5s. per quarter; and on a rise exceeding 85s., a duty of only 1s. is payable. This would not only have the advantage of preventing sudden importations, but as similar duties applied to warehoused corn, the regulation would prevent its being suddenly poured into the market. Wheat now warehoused was, with respect to the market, actually imported if the prices rose so as to open the ports; but a duty being imposed under the present bill, it could not be considered as imported merely because it was warehoused, and therefore was not liable to be brought at once into the market. An objection had been made to the present measure, that it did not afford sufficient protection to the British farmer against the foreign grower of corn. This he thought was erroneous. The first duty imposed was 17s. If to that were added the freight and insurance, and the usual mercantile profit of the importer, which could not be estimated at less than 5 per cent. amounting altogether to 12s. per quarter, the whole extent of the protection would be 29s. per quarter. Add these 20s. to 43s., the average price of wheat in the foreign market, and the result would be 77s. per quarter. It appeared, therefore, foreign wheat could not come into the market at a less expense than 77s.; and by that arrangement he considered the British grower completely protected. But it was said that this calculation was not correct—that though in former times 43s. might be estimated as the price of foreign wheat, it might now be purchased at 30s.; but nothing could be more fallacious than this argument. The very reason why the price of wheat was low abroad, was, that the ports of this country were shut against it. The moment they opened the demand would alter the price. On this subject it would be well to consider what had been the effect a few months ago, when a rise of price took place in this country. The mere prospect that the ports might be opened here caused a rise of prices on the continent to an extent far beyond what could have been expected. No apprehension could be entertained of the ability of the foreign farmer to cultivate more than he now did. So far were agriculturists on the Continent from being better off than our farmers, that the distress was there much greater. He was informed from good authority that not only were they unable to pay rent, but the land and other property was generally mortgaged; and the instances of the mortgagee taking possession were very frequent. He stated this to show that far

less was to be apprehended from the competition of the foreign farmer than was generally supposed. It had been objected to the measure, that it was wrong to allow all the corn now warehoused to be brought into market when the price rose to 70s. Now their lordships would recollect, that the grain thus warehoused might be brought to market without any duty whatever when the price was 50s. To this the holders were entitled by the act of parliament, under the faith of which they had imported and warehoused the grain. But it was said that when the price rose to the rate fixed by the bill, the holders of the warehoused corn would pay the duty and introduced it all at once: this he thought was far from probable. The holder might naturally expect a farther rise, and it would always be a question for his consideration whether it would be most advisable to pay the high duty and sell at 70s., or wait for the chance of a rise to 80s., when he would pay a lower duty; or till the prices rose still higher, when he might bring his grain to market without any regard to the duty. Doubtless there would be speculations both ways, and that circumstance might fairly be regarded as a security against the warehoused corn being poured into the market all at once. The same principle of graduated duties applied to warehoused corn and to that directly imported; and if their lordships approved of the one part of the bill, he did not see how they could object to the other. After noticing some other objections to the measure, his lordship concluded with moving that the bill be now committed.

Lord ERSKINE objected to this measure, that it had the effect of repealing to a certain extent the present corn act, which had been introduced for the express purpose of protecting the British farmer. He wished well to a free commercial intercourse, but how far such freedom was practicable, depended on the political situation of the country. During the war, the ports generally remained closed; but notwithstanding, there was great abundance, satisfaction generally prevailed among the manufacturing classes. Prices were high, but the agricultural classes had never shown any wish to raise corn to an improper price. When peace came, the markets fell; and it was necessary to take some step to save the growers of corn. The existing act was then introduced, and ministers recommended the pressing it as necessary in justice to the landed interest of the country. One of the provisions of that act the noble earl opposite had called a nightmare. The nightmare, however, only troubled people in their dreams; but the spectre a distress which now haunted the agriculturists, visited them while they were broad awake, and never left them morning, noon, or night; and the present bill was not calculated to allay their terrors. This measure proceeded on the principle of free trade—a principle for which ministers had but recently shown a predilection. It had been pressed upon them by some friends of his—by men whose information and talents he highly respected. There was no man a greater friend to freedom of trade than he was, and no man would more zealously promote it, if he saw the country in that natural state in which it alone could bear it. This, however, was not the case. He would not go into the question of the origin of the war. He would suppose it to have been undertaken from unavoidable necessity. Whatever was its origin, the exertions made by which the country was carried through it were unparalleled, and to those exertions was owing the state of difficulty in which the country was now placed. That state, it was to be recollected, was most artificial and inapplicable to the principles of free commercial intercourse. The noble earl had endeavoured to hold out consolation to the British corn grower by stating that foreign agriculturists are in great distress—that their land is mortgaged, and that the mortgagees are taking possession. But the noble earl appeared to forget that the mortgagee would only take possession for the purpose of selling the produce. What difference did it make to the English farmer whether the price of the foreign corn imported went into the pocket of the original owner of the land or a mortgagee? The noble earl had estimated the price of foreign wheat at 43s.; but the fact was, that it could be purchased for 31s. or 32s. How, then, could a duty of 17s. be an adequate protection, when Parliament had already declared 80s. to be the fair remunerating price? The state of the taxation of the country rendered a high protecting price necessary, and unless the burdens of the country could be reduced, cheap corn would only produce the ruin of the agricultural interest. If the noble earl added the 12s., at which he estimated the charges on importation to the duty, he would find the scale of the present bill far short of the protection which was indispensable to the security of agriculture. The committee, on the report of which the present bill had been brought in, considered that 80s. ought to be the pricing price; and it appeared to him that the change made by this bill could in no way be advantageous. Under the last bill corn could not be taken out of the warehouses until the price rose to 80s.; but by the present bill, as soon as wheat rose to 70s. it might be drawn out on paying 17s. duty. This afforded an opportunity of suddenly overloading and depressing the market. Ministers had professed to introduce a bill to satisfy the agriculturists by securing them against unlimited importation; but what satisfaction could this measure afford? The feeling entertained of it throughout the country was evident from the innumerable petitions against it from owners and occupiers of land with which the table of the house was loaded. A

measure which would have given satisfaction to the agricultural interest must have been one calculated to afford them some relief; but this bill could have no effect one way or the other. It might therefore with propriety be allowed to stand over for further consideration. Why press forward a measure at the present moment which could have no operation at all? Relief from taxation was what was requisite to enable the farmer to live with low prices. If he could bring home with him the money he received in the market, he might do; but with his tithes and taxes of every kind to pay, that was impossible. While foreign corn with the duty and charges might be imported at 52s., how was it possible for the British farmer ever to come to market in a way to meet fairly his foreign competitor. The noble earl had calculated that the speculators would not bring out their corn all at once from the warehouses; but the speculators knew their own interest better than to let a favourable opportunity slip. These speculators would cut the throat of the noble earl and his friends to gain a half per cent. more on their stock. It had been said, that to cure the distress production should be diminished, and that the poor soils should be taken out of cultivation; but if the cultivation of that description of land was abandoned, what would become of the proprietors? Who was to remunerate them for the capital they had laid out? They had benefited the country by the money they had expended in rendering barren soils productive. Were they in return for their efforts, to be consigned to ruin? What, also, was to become of the poor, if those lands which had been rendered productive were to be allowed to run to waste? The landlord held his right to the anns which he derived from the revenue under the law; and did not the landlord hold his right to his estate under the same law? The owners and occupiers of land asked no favour. All that they demanded, was a fair remunerating price for their produce, and that, for poor lands, but on an average of the land of the country. Surely they were entitled to this. Their lordships could not fail to recollect some measures which had been introduced relative to the poor laws. In a report of the House of Commons on these laws, it was stated that parliament had never intended to depart from the statute of Elizabeth. Now, in consequence of poor laws, the land was burdened to the extent of 7,000,000l. annually. To this tax funded and other personal property was not liable. Their lordships were surely bound to equalize the burdens the country had to sustain as far as possible to all classes. If the locality of a particular description of tax necessarily threw it on one class, it was the business of parliament to discover some machinery, by the operation of which the other classes might be made to bear their due share of the burden. It had been said that the present was the proper time for passing a bill such as that before the house, because the question could now be calmly discussed; but the truth was, that in a season of high prices their lordships could not look the people of this country in the face while they entertained such a measure. At such a time they would not dare to pass it. Nothing was more his wish than to see a liberal commercial policy adopted; but while the country was in its present artificial state, he could not desire to have the ports thrown open to the ruin of the landed interest. He was far from wishing prices to be raised for the advantage of a particular class; but he was desirous that agricultural produce should have that value which the general prosperity of the country required it to possess. The noble and learned lord was throughout his speech very indistinctly heard, so that many of his observations were lost, or imperfectly collected. He concluded by moving as an amendment that the bill be committed this day three months.

Lord DACRE objected to the bill on the ground that it would be productive of a present mischief, though its object was only to attain a prospective good. He therefore earnestly hoped that the noble lord would suspend it at least for the present session. The question now before their lordships was one of comparison between the merits of the proposed and the existing law; and for his part he could not see in what possible way the agriculturist could derive present benefit from the measure now before the house. Its enactments either would not be called into operation before the next session, or if they were, they would be injurious to the home grower in the difference between 70s. and 60s. He also objected to the bill, because it was introduced to their lordships without sufficient data upon which to legislate. It was impossible at present to know with sufficient certainty all the causes which produced the present distressed state of agriculture, and therefore he did think it would be premature to legislate until the house was better informed on the question. It was possible that some of the causes of the present distress might be removed before the next session. We might then see what at present we could not ascertain—the whole of the effects produced by the late alteration in the currency of the country. There might, and it was by no means improbable that there would be a reaction of prices before then, which would have the effect of rendering the measure injurious to the country. But these were circumstances upon which it would not be safe to legislate at present, and therefore it would be better to defer the measure, and wait for further information. It would not be denied, that there had a great effect on the condition of the agriculturists. Of those who held a contrary opinion he would ask, how it happened that with the same prices as 1793 their condition was so much worse? The poor

laws had also their effect. Superabundant production was said to be another cause; but if before the next session it could be proved that that was not a cause, then a different mode of legislation on the subject from the present would be necessary. Taking all these circumstances into consideration, he did think that there was strong ground for asking their lordships to wait for better information before they proceeded to decide upon this most important subject; and he was the more anxious to ask this, because he was satisfied that there was not an agriculturist in the country, who was not ready to petition against this kind of relief which it was now proposed to give them.

The Earl of HARROWBY said, the question was, whether or not they should proceed with the measure before them. If, as was said by the opponents of the bill, their lordships were to wait to have full and perfect information as to all the causes of distress, they might wait too long; and in the interim the evil, against the danger of which the bill went to provide, might arrive without a possibility of controlling it. As to the remark respecting the poor laws, he would only say, that if their lordships were to wait until all classes should equally contribute to support their pressure, they might wait for a century, for it could not be expected that a change of that nature should be the work of a few years. It was said that the English agriculturist should have the entire monopoly of the home market, but he had had it for three years and a half, and yet prices were still depressed. The cause of those low prices was disputed; but he maintained that the great cause of them was to be found in the vast quantities of foreign corn which had poured into the market in the end of 1818 and the beginning of 1819, and the succession of three abundant harvests. They had before those harvests the weight of the foreign produce pressing upon them, and it had operated to keep them down ever since. Now, under such circumstances, he did think that it would be running a very serious and dangerous risk, if by any cause the price of corn should be raised to the maximum of the present law, it should be exposed to be suddenly reduced by an unlimited importation of foreign corn. As to the import price proposed in the present bill he did think that, in the alteration in the currency 70s. would afford as good a protection to the British grower as 60s. had in 1815. As to the effect of taxation on the price, he could not consent in viewing it as a cause of depression; for in some parts of Switzerland, where taxation was scarcely felt, a depression of agricultural produce was complained of to an extent as great as in this country. In conclusion the noble lord observed, that thinking the proposed bill an improvement on the existing law, he should support it.

The Earl of CARNARVON said he admitted that the British agriculturist could not meet the foreign grower in the home market without some protecting duty; but when their lordships were about to legislate for the future, and to establish permanent duties for the importation of corn, they should consider what ought to be the minimum of protection. If it were fixed at a rate which would constantly keep corn high, one result would be, that trade would be destroyed, capital driven out of the country, and, in the end, the interest of the agriculturist themselves completely ruined. In such a mode of legislation as the present, it was necessary that their lordships should have the fullest data to go upon—at least they should be all within their reach—but had such information been before their lordships? Were they in possession of all the effects produced by the recent alteration in the value of the currency? Now, without entering into that question, he would assert, that the greater part of the present distresses arose from the altered value of the currency. This was at least the opinion of many; but it was a subject upon which the fullest information should be obtained, before their lordships legislated upon the important question before them. As to the new import price of 70s. and 80s., he would ask, did any noble lord expect that such prices could continue in this country? It was impossible that they could be borne. For two centuries before the restriction of cash payment, the average price of corn did not exceed 50s. Those prices rose to a great height during the restriction; but now that the currency was restored, it would be absurd to suppose that the same high prices, if they at all occurred, could be continued for any time. In conclusion, the noble earl observed, that it would be unwise to come to a decision, which, under an alteration of circumstances (before which it would be inoperative), must be revised and altered.

Lord REDESDALE said he did not think the present time a proper one for legislating permanently on this subject. It was not sufficiently well known to their lordships in all its details to have any permanent measure passed respecting it. Besides, the Bill, as far as it went, would be conceived, be inoperative as a measure of relief; it was only one of precaution against a supposed contingent evil, and would, he contended, be calculated rather to injure than serve the home grower. The warehousing of foreign corn would give rise to a species of gambling speculation which must be injurious to the British grower. The way to view the distress of the agriculturist was not to look at the number of pounds, shillings, and pence which he might receive for his corn, but the quantity of that corn which he was obliged to bring into the market to obtain other articles. One hundred years ago a bushel of corn would purchase as

much of other articles as it would require three bushels to produce at present. Here it was where the farmer suffered—that produce of his land would not bring the same value in barter. It was the same with respect to the operation of taxes. When wheat was ten shillings a bushel, it paid ten shillings taxes; but now two bushels of wheat were required to pay the same taxes. (hear, hear.) Prices were never known lower than at present. But it was said that great distress from low prices existed on the continent; that might be true, but these prices were artificial, and would become more settled in a short time; then, he would ask, were their lordships to legislate now for the prices at which other countries might sell their corn at some future period, when it was known that distress now made them sell cheaper than they could afford? Such a system of legislature would be impolitic and injurious. He also objected to the bill on principle, because it established no settled system with respect to the prices at which importation should take place. These depended on the average returns, which might be acted upon improperly. It was known that the commercial body were active and united, but the agriculturalists were not so; by the present bill, that kind of jobbing would be created in which we should see them like the Bulls and Bears, and each in Change-alley endeavouring to overreach the other. The noble and learned lord then proceeded to contend, that their lordships ought to wait for further information before they proceeded to pass the measure. They should wait to see how prices might be affected at Michaelmas, when they were generally lowest, and at Lady-day when they were highest, before they went further. He could not see what use there was in passing the measure as to its present effect on the farmers; for unless corn rose to 80s. (a circumstance by no means probable), it could not be operative before next session, except in the case of the warehoused corn. As to that, he looked upon it to be an injury to the country, as locking up British capital, which would otherwise be productive. Taking all the circumstances into consideration, he thought the bill unnecessary at present, and would therefore oppose it.

Lord ELLENBOROUGH said, his reason for supporting the bill was, not because it was a permanent measure, which he did believe it to be, but because it went to provide against an evil which might be attendant upon a sudden return of high prices. He admitted that the bill would give no relief to the farmer, but it would prevent the danger which might arise from the operation of the present law. He would ask any of those who prayed against this bill, whether, if corn suddenly rose to 80s., they would prefer being under it or under the law as it stood at present? He was satisfied they would prefer the operation of the measure before the house. He hoped, therefore, it would be allowed to pass, not as a permanent measure, but to afford time for consideration, and in the interim guard against a possible danger.

The Earl of DARNLEY said, he had always deprecated inquiries into this subject, because he was satisfied they would not be attended with any beneficial effect to the agriculturist. The present bill was a proof of this. Their lordships had not inquired, because they thought it could lead to no satisfactory result, but the House of Commons thought differently. They had devoted a very large portion of their time to the consideration of the subject, and what was the result?—a measure from which no relief could be expected. The distressed situation of the farmer had been truly described by the noble and learned lord (Redesdale), and the pressure of the taxes upon him well exemplified; for he had, in fact, to give twice the amount of produce now for his tax than he did some few years back. It had been truly said, that it would be impossible to continue corn at the high prices of 80s. or 70s.; and if any measures were passed by which it could be raised to that price, there was no minister who, if parliament was not sitting, and a danger existed of that high price being continued, would not on his own responsibility advise that the law should be dispensed with. One reason why he wished that the bill should not pass was, that those for whose benefit it was introduced were now to a man against it. Surely, under such circumstances, it would be preposterous to press the measure; for it was almost impossible that corn could rise to 80s. before the next session.

The Earl of MORLEY said, that looking at the quantity of corn in the country, he did not think it an impossible case that the ports might not (as the law now stood) be opened before the next session. To guard against the chance, however remote, of a circumstance, the evil effects of which would be felt for years to come, he would not vote for the present bill, even though it might not give general satisfaction.

Strangers were now ordered to withdraw, and their lordships divided on the amendment, when there appeared—

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On our return to the house, we found their lordships in a committee on the bill, and

The Earl of DARLINGTON expressing his regret that on such an important subject there should be so thin an attendance of their lordships.

Satisfied of the injurious tendency of the measure, he should feel it his duty to oppose it in its future stage.

The bill then went through the committee, and was reported without any amendment. The third reading was fixed for Monday, for which day it was ordered that their lordships be summoned.

Adjourned at nine o'clock, to Monday.

Spain and her American Colonies.

To the Editor of the Times.

Sir,

A case of very considerable importance to our Spanish South American trade has just occurred; one which I apprehend must have the effect of urging on the attention of ministers, even if there were not sufficient motives without it, an immediate decision on the question of recognizing the independence of the South American Governments. It has been always notorious, that by the Spanish law all commercial intercourse with the colonies of that country was prohibited, and that any vessel, caught in the fact of such intercourse, was liable to capture or condemnation by any Spanish vessels of war. Equally notorious it is that, practically, this law has not been attempted to be enforced by the Spanish nation; and that our merchant vessels have traded with the Spanish colonies, when loaded with innocent merchandise, with as little apprehension of interruption from the Spanish marine, as in trading with Brazil. A new case, however, has arisen. A Spanish privateer has made the experiment of capturing a British ship, trading with Buenos Ayres, on the ground of her being engaged in a trade interdicted by Spain; and she has succeeded in procuring condemnation of the ship and cargo. The *LORD COLLINGWOOD*, bound from Buenos Ayres to the Havannah, with a cargo consisting wholly of hides, has been captured by the Spanish privateer *LA PANCHUTA*, carried into Porto Rico, and there condemned by sentence of condemnation, dated at Aguadillo, in Porto Rico, the 23d of December last. The grounds of condemnation set forth in this document are, "that the captain of the prize hath sailed on the seas of South America, without especial leave and permission of our Government;"—that "his intentions were only to carry contraband goods, and to load the vessel with Buenos Ayres hides, and by that means to construct a commercial intercourse in and with those countries and places which are our enemies;"—that "he hath carried on an illegal and illicit trade," &c. &c. Now it is perfectly true, that by the Spanish law, his condemnation is a valid one, and that every ship coming, without license from the King of Spain, from any Spanish colony, loaded with its produce, is by the same rule a good and lawful prize to a Spanish captor; but whether, interested as this country is in the trade with that quarter, our Government will permit such a state of things to continue, is another question. So long as Spain had the power to maintain her authority over her transmarine possessions, we had no right to complain of any regulations by which she might govern them; but now that she has lost that authority, without even professing to have the means of attempting to regain it—now that other Governments are established there exercising all their natural functions, is England, by delaying to recognize the existence of such governments, to continue to afford to Spain the means of interrupting and destroying our trade? And for what purpose? There has surely been time enough to show a reasonable delicacy and courtesy towards Old Spain. Are we, in return for our civility, to have one ship after another captured; for we may be quite sure that the experiment having been tried by one private will soon be followed by others? It was supposed that the passing an act of Parliament for admitting the South American flags into our ports would remove all difficulty in the way of commercial intercourse, but it no way touches the difficulty we have been discussing; and why should we do the thing by halves in this hesitating manner? Has any attempt been made to impugn either the facts or the doctrine contained in that able state paper of the government of the United States, setting forth the grounds on which it adopted fully and entirely the measure of recognition? And if this neither has been nor can be done, why should we not show ourselves at least as wise, as prudent, and as just, as the people of a country instructed by ourselves in the art of governing?

MERCATOR.

MARRIAGES.

At St. Pancras New Church, by the Rev. John Walker, LL. B., Vicar of Hornchurch, Essex, Mr. Sam. Courtayne, of Bocking, Essex, to Ellen, youngest daughter of Wm. Taylor, Esq., of Frederick-place, Hampstead-road.

At St. Leonard's, Shoreditch, Mr. John Yates, of the City-road, to Frances, youngest daughter of Wm. Bramwell, Esq., Prospect-place, Paddington.

At St. George the Martyr, Queen-square, by the Rev. J. L. Martyn, Sir George Atkinson, of Hillsborough, in the county of Down, to Hannah, only surviving daughter of the late Richard Scott, Esq. of Heston-house, in the county of Durham.

ASIATIC DEPARTMENT.

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Supreme Court.

CALCUTTA, WEDNESDAY, JANUARY 8, 1822.

The Criminal business of the Court commenced this day, when William Price was put to the bar to take his trial for the wilful murder of Serjeant Jas. Thompson, late of the Honorable Company's European Regiment: the Prisoner pleading Not Guilty the Jury were sworn. The case was opened by Mr. Money, as Hon'ble Company's standing Counsel: he informed the Gentlemen of the Jury that the Prisoner at the bar, on whom they were to pronounce their verdict, stood accused of Murder; the circumstances of the case were few and simple: the deceased had died of a wound inflicted in his left breast, and that the wound was inflicted by the Prisoner there was not a doubt of, as he had himself confessed it. The only circumstances for them to consider and to judge from were, whether the Prisoner had met with any provocation, and even under all such considerations, he feared that they would find themselves obliged to condemn him, though he trusted and he felt assured that the Prisoner would have the recommendations of a merciful Jury.

The circumstances of the case were these: Thompson (the deceased) was travelling with his wife and children, the former with his eldest son on horseback, his wife and the younger children in a hackery, the Prisoner and a cook boy belonging to the deceased walking in the rear; the Prisoner kicked a goat belonging to the deceased, which was tied to the hinder part of the hackery, Serjeant Thompson desired him to desist, upon which Price without any further provocation took his musket and shot the deceased through the left breast and lungs, which caused his death. A few abusive words might have passed between the parties, but these were surely not sufficient plea for one man to take the life of another. The learned Counsel concluded by observing that he had but very few witnesses to call, and that their evidence would be found to be clear and concise; he was sorry for it, as he feared that the Prisoner would be convicted; but it was his duty to lay the case before the Jury, and he feared it would be theirs to find a verdict against him.

The first evidence, MARY THOMPSON, widow of the deceased, stated that her late husband belonged to the Honorable Company's European Regiment, that on the 14th of November last when marching from Ghazepore to Nagpore, her husband and eldest boy were riding on tattoos by the side of a hackery which contained their baggage, and on which herself and younger children were mounted also, a Cook boy of theirs brought up the rear; the Prisoner came up with them a little before daylight (could not say the hour) and walked in the rear of the hackery, there was a kid tied to the hackery, Price kicked this kid, her husband bade him desist and go to his guard, the Prisoner drew his bayonet, and made a stab at the deceased, who having gloves on, seized the bayonet and wrenched it out of Price's hand, the Prisoner then fell in the rear (does not know the man personally) and came up again with them about fifteen minutes afterwards, calling out "is that you Thompson?" deceased answered "Yes this is me Thompson." Nothing more was then said, but immediately after she heard the report of a piece, and saw her husband fall, her boy at the same time calling out "My father is murdered."—Her husband had never got off his horse, but rode by her side all the while till he fell, she saw him, there was a lantern in the front of the hackery, deceased had a cheroot in his mouth. On the discharge of the musket her son ran away, deceased fell close by the hackery not above one or two yards distant, she alighted and went to him, found him lying on his back, bloody and quite dead, there was blood all over his chest, did not examine the wound. Archer and Barnes, two Privates in the Rifle Company, came up a few minutes after, Price remained in the road and was taken into custody by these men; her son, who had gone to look for a Doctor, did not return for some time; witness did not see the Doctor, saw the body of her husband in the Hospital afterwards, the Doctor saw it there also.

Cross examined by Mr. TURTON, (who has lately joined the Calcutta Bar), as Counsel for the Prisoner.

Never saw Price until he was brought to her by Archer and Barnes; the kid was tied in the rear of the hackery; Price did kick it, witness did not see this, but heard what was passing. Price was two or three yards in the rear of the deceased at the time he kicked the kid. Deceased desired him not to ill use that animal, as it did not belong to him, upon which Price made use of some injurious words, (which witness did not wish to repeat) and without any further provocation drew his bayonet, ran over to and made a thrust at the deceased, upon which he wrested the bayonet out of the Prisoner's hand and advised him to be quiet.

Upon being close questioned by the learned Counsel, witness acknowledged that she did not see these transactions, as she was unwell and lying down in the hackery at the time, but was afterwards told so by her son; the learned Gentleman then desired her to state nothing but what she had seen.

In continuation of her cross examination she stated that her husband had never got off his horse, and that she had kept sight of him riding close along-side the hackery until he fell from the wound he received.

Q. You say it was quite dark; how did you know that your husband never quitted the side of the hackery, or got off his horse?

A. Because I could see him by the light of the lantern in the front of the hackery.

Q. But you say you were lying down, how then could you see him?

A. Yes, I could see the peak of his cap, the horse's head, and the cheroot he had in his mouth.

Q. Did you see your husband wrest the bayonet out of the Prisoner's hand?

A. No!

Q. How then did you know of the transaction?

A. Because he told me of it, and showed me the bayonet.

Q. Do you mean to say that your husband did not drop in the rear in wresting the bayonet from the hands of the Prisoner at the bar?

A. No he did not, for I saw the horse's head all the while. Sir FRANCIS MACNAGHTEN here observed, that the horse's head might retain its position notwithstanding the rider had quitted the saddle.

Questions by the Prisoner's Counsel.—Did not you hear your husband say "Price, if you kick that goat again I will kick you?"

A. No.

Q. You heard Price call your husband a damned puppy?

A. Yes, my husband then desired him to go away, Price replied "I will not go till I please, I am guard over your hackery." Deceased answered "I do not want you," Hereupon Price fell in the rear.

Q. How long after was it before you saw him again?

A. About 14 or 15 minutes after, he returned, and then he killed my husband. The Prisoner confessed that he was the man who murdered my husband. Witness did not think that deceased was more powerful than Price. Price had no friend with him that she knew of, her husband had been 17 years in that Regiment and a Serjeant for the last 11 years, she did remember his having been broke once, though not for his violence to a Private of the 67th Regiment; thought it was for having taken a drop too much drink, was not addicted to drink, poor man, could not afford it. On alighting from the hackery after her husband had been shot, saw the Prisoner's bayonet lying close beside him on the road.

Questioned by Mr. Money.—Her husband was not in liquor, had not tasted any thing that morning. Price told her he was the man that had killed Thompson; on witness asking him why he had done so, the prisoner replied "I did it for fun."

Questioned by Sir F. Macnaghten.—Barnes and Archer were close to her and must have heard the Prisoner tell her so. Witness had been examined by Mr. Melville, the Magistrate at Ghazepore; did not then say that the Prisoner and deceased had fallen in the rear of the hackery.

Questioned by Mr. Turton.—Q. Did you not on your former deposition say, that you lost sight of your husband and the Prisoner, by the hackery going on whilst they were struggling for the bayonet.

A. No, I said I lost sight of my husband when he was shot.

Q. Did you not at any former period say that you lost sight of them before the shot was fired?

A. No, I said that when I went to him after he fell, he was four or five yards in the rear of the hackery.

Q. How long after Price called your husband a damned puppy was it, that the shot was fired.

A. About a quarter of an hour.

The second witness called was—

PATRICK THOMPSON, a lad of thirteen years of age.

Sir F. MACNAGHTEN having satisfied himself and the Jury that the witness was acquainted with the nature of an oath and the consequences attendant on perjury,

PATRICK THOMPSON was sworn.

Examined by Mr. Money.—Witness was son to the deceased, was with him at the time of his death, on the morning of the 14th of November last, on the Regiment leaving Ghazepore, his mother and younger brothers and sisters were travelling in a hackery, which also contained their baggage, his father (the deceased) and himself on two small ponies, were riding close alongside the hackery on the left side; witness knew the prisoner some time before the death of his father, about a year before, saw Price on the morning of his father's death, this was on the right hand side of the Burying Ground on the road; when the Prisoner came up with them, the witness and deceased were both riding beside the hackery about a yard asunder. Price followed in the rear of the hackery, this was at about 6 o'clock in the morning. Price kicked a goat that was tied in the rear of the hackery, deceased desired him to go away and not kick the animal, it was not his to kick; the morning was very dark, he knew it was Price who kicked the goat, on being told to go away Price abused the deceased, and made a stab at him with his bayonet, the bayonet was not fixed on the musquet, the prisoner held it in his hand, his father went a little in the rear at the time he wrested the bayonet from the prisoner, about 3 or 4 yards, witness went in the rear also, continued near his father. On the Prisoner's making a stab at the deceased, the latter was not more than three moments wrenching the bayonet out of his hand; deceased continued on his pony, as also the witness, after having taken the bayonet from him, Price dropt in the rear and witness with his father again resumed their stations alongside the hackery, witness can not tell how far Price went in the rear, did not look after him. Price returned in about 10 minutes after;—on approaching he asked, "Is that Thompson?" Price at that time was at the distance of about seven yards on witness's left hand. Witness's father replied "Yes it is." Price then said "I am here for you." and immediately shot the deceased. Witness could see the Prisoner at the time, saw him raise his musket to his shoulder; the Prisoner was so near that witness can swear to his being the person who killed his father, saw him point his musket at the deceased. Immediately on the discharge of the piece, his father dropped dead off his horse. Witness dismounted, looked at the body from a distance, and ran away, as he was advised to do by the Cook boy.

Cross examined by Mr. Turton.—The morning was dark, but witness could see further than two yards. Price did not come up to the deceased, the latter had gone in the rear to him; there was no provocation given by witness's father, deceased wrenched the bayonet out of Price's hand by force, witness was close to them, cannot say what became of the prisoner when he dropt in the rear. Witness does not know of Price having had any friend with him, does not know of any previous quarrel between the deceased and the prisoner.

Questioned by Sir F. Macnaghten.—The prisoner had his musket in his left hand and his bayonet in his right at the same time he made the stab at the deceased, cannot positively say what time elapsed between the struggle they had for the bayonet and the firing of the piece, by guess about 12 or 14 minutes.

MICHAEL BARNES, the next witness called, said he was a Private Soldier in the Honorable Company's European Regiment, believes Price was in the same, never saw him before the morning of the 14th November, when the murder was committed, did not belong to the same Company; on the morning of the 14th November last, when the Regiment was on their march from Ghazepore to Nagpore, while it was yet dark, he saw the flash, and heard the report of a piece; shortly after he heard a child's voice calling out "Sepoy;" he then ran to the place where he saw the flash, and Archer, a Private in the same Company, went with him; when they got to the spot, they found deceased lying dead on the ground, and the Prisoner with his musket in his hand a short distance from him, there was no bayonet fixed on the musket, he also saw a hackery there; when witness and Archer reached the ground, Price told them he was the man who had done the deed, and that he was willing to suffer for it.

Sir F. MACNAGHTEN.—Did you ask the Prisoner any questions to produce this speech?

A. No, he said so as we came up to him.

Mr. Money's Examination resumed.—Witness took the Prisoner's musquet from him, the pan and barrel were still wet with powder as if the piece had been recently fired. Witness did not examine the body of the deceased, left Archer sentry over the corps, while he marched the Prisoner to the rear guard and delivered him over to the Serjeant.

Cross examined by Mr. Turton.—Never saw the prisoner before that morning, when day dawned he perceived an appearance of horror in his countenance, and that he spoke in a sobbing manner; witness knew Thompson, he was rather bigger than Price, deceased was not of a rash disposition.

Questioned by Sir F. Macnaghten.—It was rather a dark morning, could not perceive any person at a great distance; the Prisoner said something about having been ill used, said he would do the same to any man who used him in the manner that he had been used.

Q. Did the Prisoner appear angry?

A. He was pale and had an appearance of horror in his countenance.

Q. When you were examined at Ghazepore, did not you say that the Prisoner was in a great passion when you first found him?

A. I can not say he was in a passion, he had a look of horror about him.

Q. Did you see any blood about him?

A. Yes I saw some blood on the frog of his belt.

Q. On your oath, did you or did you not, on being examined by the Magistrate at Ghazepore, say that the Prisoner was in a great passion.

A. I might have said so, but it is so long ago, I do not exactly recollect.

Q. Did not you put your mark to the evidence you gave at Ghazepore.

A. Yes, I did.

Q. Did you hear any conversation between Mrs. Thompson and the Prisoner?

A. I only heard Mrs. Thompson say, "that is the man who killed my husband."

JUGGERNAUTH was then put in the box, said he was a Cook in the service of Sarjeant Thompson on the morning of his death, and followed his master's Hackery on the march.

Mr. MONEY here observed that he had only put this witness up to give his friend on the other side an opportunity of asking any question he might think favourable to the cause of his client.

Mr. TURTON replied he had no wish that the witness should be put up, or indeed any other.

Mr. MONEY then proceeded in the examination—Witness saw the body of the deceased after the deed had been committed, it was all bloody—witness was about eight paces distant when his master was killed, the Prisoner might have been about 4 paces from the deceased when he fired his piece—witness did not know the prisoner before the day of the murder, he did not belong to the same company as his master.

Cross-examined by Mr. Turton.—Witness did not see the prisoner until after the shot had been fired—had absented himself from the party for a necessary purpose.

Question by Sir F. Maconaghten.—Witness did not leave the barracks at the same time the hackery did, had not got all his cooking utensils ready in time, as soon as he had got them all collected, he followed, overtook the hackery on which he placed his load, again absented himself, and was returning just at the moment the musket was fired.

Question by Mr. Turton.—Did you never say there had been a scuffle between the Prisoner and the Deceased?

A. No, never.

GEORGE BOULTON, Captain in the Company's European Regiment, the next witness, deposed, that Serjeant Thompson and the Prisoner had both belonged to that Regiment, Price had been in it about two years and a half.

Cross examined by Mr. Turton.—Price was a very good man, of an excellent disposition, mild temper, and generally beloved in the Regiment. Thompson was, he believed rather violent, witness could not speak as to facts, as deceased did not belong to his Company, but he had heard so.

Mr. MONEY then observed, that though there was another witness in Court, Surgeon Leslie, who had examined the wound of the deceased, he thought his evidence was quite superfluous, and he would therefore not detain the Jury any longer, by putting up this witness.

Mr. TURTON replied, he wished he should be put up.

The ADVOCATE GENERAL objected, he was not obliged, he said, to put up any witness to prove his case, but such as he pleased; in this instance the case had been fully proved, and he did not see why any farther evidence should be called for, the learned gentleman concluded by saying he would object to it.

Mr. TURTON replied, that it was his wish Dr. Leslie should be put up, and that he must subject his request to the Court.

The ADVOCATE GENERAL was of opinion that the Court had no business to interfere with respect to what witnesses Counsel should choose to call, as long as the case was proved; the learned Counsel added, the witness in question should not be called.

Mr. TURTON observed that the witness's name was marked on the back of the bill, and consequently he had a right to call him.

The ADVOCATE GENERAL replied, the Grand Jury had thought it unnecessary to examine the witness, and he thought it equally so,—it was quite contrary to the mode of proceeding in this Court.

Mr. TURTON said there was yet another witness, whose name was mentioned on the bill, that had not been called, he alluded to Archer—he would bow to the superior knowledge of the Advocate General with respect to the mode of proceeding in the Courts of Law of Calcutta, but added that it was the custom of the Courts in England to call all witnesses marked on the bill of indictment, at least it was so when he left it.

The HONOURABLE CHIEF JUSTICE observed he always made it a practice to call all witnesses named on the bill.

The ADVOCATE GENERAL and Mr. FERGUSON then explained that in this country such a mode might be attended with the most serious and injurious consequences, and very much against the cause of Justice.

The ADVOCATE GENERAL concluded by saying that as Dr. Leslie was in Court he would no longer object to his being put up.

Dr. LESLIE was then called, who deposed that he had seen the body of the deceased on the spot where and shortly after he was killed, the wound was occasioned by a musket shot which caused the death of the deceased.

Here again some slight controversy arose between the learned gentlemen, whether the remaining witnesses should be put up or not, to which the Advocate General finally acceded.

JAMES ARCHER was then put up and examined by Mr. TURTON. Witness was a Private in the Rifle Corps, never knew Price before the morning of the 14th of November last, on which Thompson was killed, only knew him by sight.

CAPTAIN BOULTON recalled—questioned by Mr. TURTON, saw Price on the morning of the 14th November, his nose was shattered and all bloody, apparently from a most violent blow.

Question by Mr. Money.—Saw the prisoner half an hour after the perpetration of the crime—this was a little after five—the prisoner at that time seemed much agitated.

Here closed the case, the following Defence was then read:

DEFENCE.

On the 13th of November 1822, when the Serjeant came from the Orderly Room, between the hours of eight and nine o'clock at night, to warn the Company to march the ensuing morning at four o'clock: the morning Bugle to sound at three o'clock—as soon as I heard him explain the words I went to my comrade, and told him we had better pack up the whole of our things to be in readiness, so that we might have nothing of the kind to do next morning, as the Bugle was to be sounded so early—which we did—afterwards I went to my cot, with an intention to sleep, but I found I could not, on account of the noise which was in the Barrack Room—I knew not which way to pass the night until I met with three or four of my comrades, and we proposed having a bottle of liquor, (as we could not rest) to pass the night away—which we did very comfortably until the first Bugle sounded in the morning. After the first Bugle sounded, I assisted Corporal Evans in packing up his bedding—by the time we had done that, and dressed ourselves, the assembly sounded—I went out and fell in with the rest of the Company—when the Company had formed, the Orderly Serjeant said he wanted me to go with the baggage, and ordered me to fall out for one—agreeable to his order I fell to the rear of the Company.—I stood there a few minutes, when I was seized with a gripping in the bowels, and found occasion to go to the p-y, which was on the road to the parade ground—as usual on such occasions I told some of my comrades that stood with me in rear of the Company, where I was going, and that I would meet them at the Parade Ground—not being in the habit of marching in this Country, I thought the Regiment would form on the same ground they usually did—when I came out of the p-y. I made the best of my way to the Parade Ground, and on my road frequently looked back, expecting the Company after me every moment—I walked up and down the Parade Ground, for about five minutes, as near as I can guess, when I was struck with the sound of a Band and Drums—the morning being dark so that I could not see, I thought it must have been the Regiment on the march, I then listened to know which way the sound came—I thought it came from near the Church—I then ran as fast as I could in that direction, thinking if it was the Regiment, to overtake them on my road—I saw a hackery in the front of me, with a light in the inside, and some one riding by the side of it on horseback—I called out to know if it was some of our baggage, the answer I received was, "Yes"—the same voice asked if that was Price of the Fourth Company—I answered—yes, and asked who was that speaking to me. The answer I received was—it is Serjeant Thompson—I then came up with the hackery, and told him in what manner I had lost the Regiment and baggage, and asked him if he knew which way the Regiment was gone. The answer he made was, "You fool, can't you hear the Band and Drums." I then asked him, if all the baggage was gone, when he started; he made answer, that "there was some in the front and some in the rear." I then told him I was on the baggage guard and did not know whether to look in the front or rear for the baggage belonging to the Company. He then said you fool can't you stop where you are, for there is plenty with the baggage to take care of it. I then said that I must go and look for my baggage, or otherwise I may get in trouble about it when I get into Camp.—He then said, you might as well stop, as there is no person with my baggage but myself, and if you get into any trouble, when you get in, I will answer for it and will say you were with me. We then conversed together on the road very sociably, until something trod on my foot, which startled me. I kicked back at it, not knowing what it was (the morning being dark) and something cried out like a goat—Serjeant Thompson turned his head round as he sat upon his horse with his back towards me, and said, Price if you kick that goat again I will kick you.—I, thinking he was only joking, as we had been so very

sociable together, made answer, that I did not think him able to kick me—I was joking also, as I thought he was, and not thinking he had the least inclination or thought of doing such a thing, but scarce was the words out of my mouth, when he turned his horse's head toward me, and exclaimed, Am I not, by J—s," and knocked me down—as he made the blow he jumped from his horse and stuck his knee in the pit of my stomach—I struggled to get away from him but in vain, on account of his superior strength; he then beat me about the head and face, with his fists—I struck off several blows, as well as I could, as I lay on the ground—my breath was nearly exhausted in struggling as it were between life and death—trying to get away from him, but to no purpose, so that I really thought it was his determination to strangle me—to protect my own life, I put my hand round to seize my bayonet, which was in the scabbard, (he was still upon the top of me.) I seized my bayonet by the socket, and made a snatch to pull it out. He observed me, and caught hold of it at the same time, which caused a struggle between us, who should have it, which was very easily taken from my hand, on account of my being exhausted, but in the struggle his knee shifted from the pit of my stomach and rested on my breast bone, which gave my breath vent, and by the time he had given me a severe blow upon the nose with the socket of the bayonet, I had just breath enough to say—"Lord have mercy on me, don't murder me, Thomson." The reply from him was—"Yes, you English b—, I would murder you as soon as I would a worm"—I then put my hands up, as I lay upon my back, and said a second time—"Lord have mercy upon me, do not murder me;"—I then heard a voice exclaim—"Come along Father, and let him alone"—I could not see any person on account of the darkness of the morning, but I suspected it to have been his son—as soon as I heard the voice exclaim—"Come along Father, and let him alone", Thomson told me to cross my fingers, and swear that I would not make mention of what had happened on the road when I came into the Camp Ground, which I did as I found my life was in his hands—after I had done that, as he rose up off me, he made a blow at my head with the socket of the bayonet. I being aware of the blow, put up my left hand and caught it in the palm of the same, and I actually believe it would have been my death blow, had I received it on the head, but as he made the blow he said, "Take that you English b—, and take care who you insult on the road again." When I felt the weight of his body off me I jumped up, and at the same time seized my firelock by the left hand, which when he saw he mounted his horse and trotted off. I took the firelock and fired it off in the direction he took when he rode off from me, and what with the report of the piece and the exasperated state I was in, I did not leave the spot, or scarcely knew where I was, until two men came up—what I said to them I do not know—I was so much confused. But after some time being in the main guard I recovered myself a little. The same day at dinner time, as the Corporal came with my dinner he asked me what had swelled my nose, I made answer that it was a blow I received from Serjeant Thomson with the socket of bayonet, and my Lord Judge and Gentlemen of the Jury, I hope you will seriously take into consideration the ill-treatment which I received. I am not the only person that has received ill usage from Serjeant Thomson, for on our arrival at Buxar, a man formerly belonging to the European Regiment came on board of the boat and enquired for Serjeant Smith; he was informed the man was out, and desired to sit down, which he did, and fell into conversation with some of the men of the escort party (whose names shall be inserted hereafter), he told them that I was not the first man whom Serjeant Thomson had ill used; for, said he, I myself was ill used by him in the open Barrack Room, for which Serjeant Thomson was reduced. I remarked to James Mullehan who was Sentry over me, and desired him to take notice of the discourse of the following people who were in conversation with the man who told the story:—Michael Hand, Dennis Deamond, Thomas Farrall, of his Majesty's 87th Regiment. My Lord Judge and Gentlemen of the Jury, will I hope take my Defence into consideration, as I have no witness; and to think in what state of mind they would have been had they been ill used in the manner I was.

Mr. TURTON then called the Adjutant of the Regiment.

CAPTAIN CARLTON, who declared that the prisoner at the bar was a good, quiet, peaceable character. The evidence for and against the Prisoner being concluded, Sir FRANCIS MACNAUGHTEN addressed the Jury to the following effect:

The Gentlemen of the Jury having now heard all the witnesses produced, it would have been more satisfactory if more evidence had been brought forward with respect to the man's conduct after the perpetration of the deed, in that respect his Lordship thought there was a great chasm in the evidence. The evidence of the two principal witnesses, (the wife and eldest son of the deceased) was certainly such as to create the strongest suspicion that the Prisoner was guilty of deliberate murder. At the same time it was a remarkable fact that the woman had been particularly zealous to give a more striking colour to the whole of her evidence, so as to convey to our minds the brutality of Price in killing the deceased, she had said that on questioning him as to his reasons for committing so enormous and barbarous an act, he replied that he had done it for fun. It was actually impossible, his Lordship continued, that any human being could be guilty of such an expression unless he was indeed lost to all feeling, and that, from the character given of the Prisoner by his Officers, was hardly to be believed; in this instance it was to be apprehended that Mrs. Thompson had not given correct evidence. This also is corroborated by the witness Barnes, who, as this woman declares, was present, and must have heard it if any such conversation took place, but Barnes says that no question whatever was put to the Prisoner by her, nor indeed was any question at all put to him—his Lordship should feel unhappy to cast any reflection on any person of want of feeling, but really people ought to take care not to state any thing more than was actually strict evidence, it was his duty to state to the gentlemen of the Jury that part of her evidence was palpably wrong; however, when it was considered that she was called upon as a witness against the murderer of her husband, it might be in some degree pardonable, notwithstanding as her evidence had in one instance been found to exceed the bounds of truth, it would be an injustice to the Prisoner not to receive the rest of her testimony with distrust. The learned Judge would not affect to say that it was not the Prisoner at the bar who had discharged his gun at the deceased, he would not endeavour to exculpate him, but it became a matter of consideration with the Jury whether the Prisoner was guilty of murder or manslaughter; in this consideration the most material circumstance was the time that elapsed between the provocation and the shooting of the deceased, for though they might not have come to a downright quarrel, it was reasonable to suppose that Price received some provocation; this then was the question for the gentlemen of the Jury to consider whether or not they would admit the statement of time elapsed by Mrs. Thompson and her son, as strict evidence or not, if they did, and by their evidence the interval of time was 10 or 12 minutes, it was no longer manslaughter—if the prisoner had but barely time to load his musket his passion had time to cool and he was guilty of murder. How Mrs. Thompson should have known so much, and yet so little is on other question to be considered; the boy who seems impressed with all these notions repulsive of falsehood, is a good witness, whose evidence they should not scruple to admit; the boy states that his father did go some yards in the rear of the bakery to disarm Price. Mrs. Thompson on the contrary said that she never lost sight of her husband from along side her; this is an evident contradiction, and one statement or the other must be false, and they ought to scruple in admitting the same as to time. His Lordship thought the character the prisoner bears ought to have their full consideration. Mrs. Thompson and her boy had not given any satisfactory account as to the time elapsed the cook was absent, besides the Prisoner's Defence deserved some consideration, which in every respect tallied with what he offered in Defence at Ghazepore. Another circumstance should put them much on their guard, which was on Price's account that Thompson was off his horse; that the deceased had laid violent hands on him, and that he had called out for God's sake, don't

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kill me. Mrs. Thompson and her boy say there was a scuffle for the bayonet, Price says in his defence that owing to his weakness, Thompson took the bayonet from him with ease, in this respect the Prisoner's defence corresponded with the evidence of the mother and son; but unless a violent scuffle had taken place previously, it was to be apprehended, the deceased would not have got the bayonet so easily from the prisoner; again if they considered the sort of horse that Thompson was mounted on, which by all accounts was small and of a description by no means strong; now could such a horse sustain so violent a struggle as that of one man wrenching a bayonet out of the hands of another, did it stand to reason? In his opinion both horse and rider would have come to the ground; it is much more likely to suppose that as the Prisoner said in his defence, he got off his horse; it became a consideration for the Jury, whether they would take the evidence of the mother and son, or the Prisoner's defence for the true statement, both could not be true,—if they admit of the truth of the Prisoner's defence in this instance, they must also do it with respect to the time elapsed,—the boy said the Prisoner had his musket in one hand, and his bayonet in the other, he said 10 or 12 minutes had elapsed between the struggle and the time the shot was fired. His Lordship would ask if that was probable? he had the musket in his hand, is it not much more likely that he would have done it immediately? they might be mistaken as to time; His Lordship could not possibly account for it how a man could suffer 10 or 12 minutes to elapse before he discharged his gun; it was much more reasonable to suppose that the Prisoner had done it on the instant; besides as he had no witnesses on his side, mercy ought to incline them to a belief in his defence—he would not, however, attempt to bias to the Jury in favour of the Prisoner, for if they believed Price had maliciously put the man to death, it was their duty to return a verdict accordingly.

His Lordship would however once more suggest to them the high character given of Price by the Officers of the regiment, whose honourable situation ought to give an additional weight to their testimony; he would also remind them that the Prisoner's defence they had heard read, was precisely the same as the one to the magistrate of Ghazepore; he had farther to observe to them, that the witness Barnes in his deposition to the magistrate of that place had said that at the moment of his coming up, he found the Prisoner in a great passion, which would reduce the crime from murder to manslaughter, and it was not likely that a magistrate would give a wrong statement in such a case.

His Lordship concluded by saying that he could never forgive himself if he had left out any thing by which the Prisoner would be benefited, and what he might have omitted it became the Jury to consider equally with the circumstances, which he had laid before them, which he entreated them to do and pass their verdict accordingly.

The Jury then retired, and returned in about three quarters of an hour with a verdict of *Manslaughter*.

Friend of India.

We are glad to see that useful and excellent Publication, so appropriately entitled "THE FRIEND OF INDIA," still continued with the same talent, temper, and steady perseverance as it indicated from its commencement. The Seventh Number of the Quarterly Series, just published, reached us too late yesterday to give any one of the Articles entire; but we shall do our best to make some portions of it more generally known as far as we can do so without injuring the Sale of the Work itself. For the present, we content ourselves with recommending it to the encouragement of all parties who value the intellectual improvement of the Natives of India, and offer here a Table of its Contents:—

Art. I. Reply to "Missionary Incitement and Hindoo Demoralization, by John Bowen."—London, 1821.—Art. II. On Indian Beneficence.—Art. III. On the Native Character.—Art. IV. A View of the Marquis of Hastings' Administration in reference to the intellectual and moral improvement of British India.

Government Orders.

CIVIL APPOINTMENTS.

COMMERCIAL DEPARTMENT, DECEMBER 27, 1822.

Mr. Edward Barnett, Commercial Resident at Hurrpaul.
Mr. James William Grant, Commercial Resident at Malda.

DECEMBER 31, 1822.

Mr. Francis Whitworth Russell, Import Warehouse Keeper.

FORT WILLIAM, DECEMBER 25, 1822.

Mr. Hans Sotheby, Agent to the Governor General at Moorshedabad.

POLITICAL DEPARTMENT, FORT WILLIAM, JANUARY 2, 1823.

Lieut. Col. O'Brien, First Assistant to the Resident at Hyderabad.

MILITARY.

General Orders, by His Excellency the Most Noble the Governor General in Council.

FORT WILLIAM, DECEMBER 29, 1822.

The Governor General in Council directs the publication in General Orders of the following Extract (Para. 7.) of a General Letter from the Honorable the Court of Directors in the Military Department under date the 26th June 1822, for general information.

Para. 7. "Having learnt from His Majesty's Secretary at War that Subaltern Officers of King's Regiments returning to England have been allowed an advance of Pay at rates superior to those which are issued in this Country to Subalterns proceeding to India, Passage Money being in both cases allowed to them, we think it necessary to advise you that the Rates of Pay authorized for Subalterns during the Voyage both to and from India, when Passage Money is allowed to them, are for Lieutenants 4s. 6d. and for Ensigns 2s. 6 per diem."

It having come to the knowledge of Government, that a misconception exists on the part of the Non-Commissioned Officers and Privates of His Majesty's and the Hon'ble Company's Service, that their Wives, born in India of Native Mothers, are precluded from proceeding to Europe with them; the Most Noble the Governor General in Council directs, that it be distinctly explained to the European Troops, that no such prohibition was ever contemplated; the Wife of the European Soldier, of whatever class she may be, and his Child, whoever may be the Mother, having an undoubted right to accompany their Husband and Father when returning to Europe, or when proceeding to another Presidency or Settlement.

FORT WILLIAM; DECEMBER 31, 1822.

The Governor General in Council is pleased to make the following Appointment.

Lieutenant Andrew Goldie, of the 24th Regiment Native Infantry, to be Pay Master of Native Pensioners, and Adjutant of Native Invalids at Alishabad, vice Sanderson resigned.

Gentleman Cadet of Infantry Frederick Walpole Anson is admitted to the Service on this Establishment, in conformity with his Appointment by the Honorable the Court of Directors—date of arrival at Fort William, 24th December 1822.

Lieutenant Colonel M. Chamberlaine, of the 24th Regiment Native Infantry, has returned to his duty on this Establishment without prejudice to his Rank, by permission of the Honorable the Court of Directors.

Lieutenant Alexander Grant, of the 26th Regiment Native Infantry, is permitted to proceed to Europe on Furlough, on account of his private affairs.

The leave of absence granted to Captain W. Pickersgill, of the 15th Regiment Native Infantry, in General Orders of the 24 September 1821, on account of his health, is extended for Six Months from the 20th September last.

The Governor General in Council is pleased to make the following Appointments.

Assistant Surgeon Doland Campbell to perform the Medical duties of the Civil Station of Mississpoor, vice Turnbull deceased.

Assistant Surgeon A. H. Jackson, M. D., to be Deputy Apothecary at the Presidency, vice Campbell.

Mr. Henry Forster, late Local Lieutenant in the Nohilish Cavalry, to be Second in Command of Skinner's Horse.

The following Appointments made by the Governor General, are notified in General Orders.

Assistant Surgeon W. W. Hewett M. D., to be first Garrison Assistant Surgeon, vice Jackson, appointed Deputy Apothecary at the Presidency.

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Assistant Surgeon William Graham, M. D., to be Second Garrison Assistant Surgeon, vice Hewitt.

The conditional permission granted to Major P. Phipps, of the 13th Regiment Native Infantry, in General Orders of the 25th October last, to proceed to Europe on Furlough on account of his private affairs, is confirmed.

The leave of absence obtained by the undermentioned Officers, respectively, in General Orders of the 31st October 1821 and 11th January 1822, is extended to the periods specified opposite to their names, from the expiration of their present leave, on account of their health.

Lieutenant-Colonel R. Pitman, of the 20th Regiment Native Infantry, for Ten Months.

Brevet-Major J. Rodher, of the Artillery, for Six Months.

The leave of absence granted to Captain R. Jackson of Artillery, Aide-de-Camp to the Most Noble the Governor General, in General Orders of the 9th February 1822, is further extended to the 20th instant.

In conformity with the special recommendation of His Excellency the Commander in Chief, the undermentioned Invalid of His Majesty's Service, is permitted to reside and draw his Stipend in India, as an Out Pensioner of Chelsea Hospital, at the Station specified opposite to his name.

14th Regiment of Foot, —Private John Cummings, Berhampore.

PORT WILLIAM; JANUARY 2, 1823.

The Governor General in Council is pleased to direct, that the following Extracts from General Letters from the Honourable the Court of Directors, in the Military Department, dated the 17th and 24th July 1822, be published in General Orders :

General Letter, dated 17th July 1822.

Para. 10. We have permitted James McGregor, M. D. to proceed to your Presidency to practise as a Surgeon, and we direct that he succeed as an Assistant Surgeon upon your Establishment—his rank will be settled at a future time.

11. The undermentioned Officers have our permission to return to their duty upon your Establishment; viz. Lieutenant Colonel Udsey Yule, C. B. Captain John Duncan Brevet-Captain and Lieutenant Robert B. Wilkins.

12. The undermentioned Officers of your Establishment have our permission to remain in England until the departure for your Presidency of the first Company's Ships of next Season, 1822-23, viz. Lieutenant-Colonel James Rotton. Brevet-Captain and Lieutenant William Mathew.

13. We have permitted Surgeon John Carnegie of your Establishment to remain in England until the departure for your Presidency of the last Company's Ships of next Season, 1822-23.

General Letter dated 24th July 1822.

Para. 2. The undermentioned Officers have our permission to return to their duty upon your Establishment, viz. Captain Samuel Houston. Lieutenant Peter La Touche.

3. We have permitted the undermentioned Officers of your Establishment to remain a further time in England; viz. Captain Edward Taylor Bradby, until the departure for your Presidency of the first Company's Ships, and Lieutenant Charles Coventry, until the departure of the last Company's Ships of next Season, 1822-23.

4. We have permitted the undermentioned Officers belonging to your Establishment to retire from the Company's Service; viz. Brevet-Colonel and Lieutenant-Colonel James Hodgson, and Lieutenant-Colonel Atty Hennessy, from the 11th June 1822. Captain Francis Heron, from the 17th January 1821; and. Captain Charles Russell, from the 15th January 1822.

5. Captain Henry Seymour Montagu, late of your Establishment, has resigned the Company's Service with our permission, from the 9th April 1822.

6. We have granted Lieutenant Richard Atkinson, late of your Pension Establishment, a Pension in this Country.

His Lordship in Council further directs that the following List of Rank of Cadets of Cavalry and Infantry, and appointed for the Bengal Establishment, be likewise published in General Orders.

No. 4.—1821.—Rank of Cadets appointed for the Bengal Cavalry and Infantry proceeding by the following Ships; viz.

For the Cavalry.—George John Fraser, *SIR EDWARD PAGET*, sailed 12th July 1822.

For the Infantry.—Frederick Bennett, *WARREN HASTINGS*, sailed 8th June 1822. Henry Beatty, *WINCHELSEA*, sailed 10th June 1822. William Stuart Monteath, *GENERAL HEWITT*, sailed 13th June 1822. William Bidolph, *MARCHIONESS OF ELY*, sailed 15th June 1822. Frederick Walpole Anson, *GENERAL HEWITT*, sailed 16th June 1822. Frederick Wilson Hardwick, *GENERAL HEWITT*, sailed 15th June 1822.

William Senter, *CITY OF EDINBURGH*, sailed 25th June 1822. John Ross, *COLDSTREAM*, sailed 1st July 1822. Alfred Jackson, *SIR EDWARD PAGET*, sailed 13th July 1822.

East India House,
19th July, 1822. }

(Signed) Wm. ABINGTON.

PORT WILLIAM, JANUARY 4, 1823.

The Governor General in Council is pleased to make the following promotion:

17th Regiment Native Infantry.—Ensign William Joseph Phillett to be Lieutenant, from the 1st January 1823, in succession to Reid, resigned the Service.

Major George Becher of the 5th Regiment Light Cavalry, has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Honourable the Court of Directors.

Ensign Alexander Macdonald of the 10th Regiment Native Infantry, is permitted to proceed to Europe on Furlough, on account of his health. The undermentioned Officers are permitted to proceed to Europe on Furlough, on account of their private affairs.

Captain John Ward of the 9th Regiment Native Infantry.

Brevet-Captain James Franklin, of the 1st Regiment Light Cavalry, and Assistant Quarter Master General.

Captain J. Ward is appointed to the Command of the European Invalids and Supernumeraries of the Honourable Company's Service, under Orders of Embarkation for Europe on the Honourable Company's Ship *WISCHESNA*.

The Military Auditor General is authorized to pass to Captain Ward, the rate of Passage Money prescribed by the Regulations.

Ensign Robert Birch, of the 9th Regiment Native Infantry, is permitted to proceed to New South Wales for the recovery of his health, and to be absent from Bengal on that account for Twelve Months.

The Most Noble the Governor General in Council is pleased to appoint Assistant Surgeon Hzekiah Clark, to the Civil Station of Goruckpore, vice Graham.

Wm. CASEMENT, *Lieut. Col. Sec. to Govt. Mil. Dept.*

General Orders by the Commander in Chief, Head-quarters, Calcutta; Dec. 21, 1822.

The undermentioned Officers have Leave of Absence.

2d Battalion 30th Regiment.—Lieutenant E. Moreshead, from 25th December, to 25th February 1823, on Medical Certificate.

2d Battalion 5th Regiment.—Lieutenant (Brevet-Captain) J. Grant Interpreter and Quarter Master, from 1st January 1823, to 15th February 1823, on private affairs.

Cuttack Legion.—Captain N. Wallace, from 1st January 1823, to 1st March 1823, to enable him to join his Corps.

Head-quarters, Calcutta; January 1, 1823.

The Commander in Chief is pleased to make the following Removals.

Lieutenant-Colonel J. L. Richardson from the 2d Battalion 27th to the 1st Battalion 13th Native Infantry.

Lieutenant-Colonel G. Richards from the 1st Battalion 13th to the 2d Battalion 25th Native Infantry.

Lieutenant Colonel W. S. Heathcote from the 2d Battalion 25th to the 2d Battalion 27th Native Infantry.

Ensign R. W. Fraser, of the 13th Native Infantry is directed to do duty with the Goruckpore Light Infantry.

Deputy Superintending Surgeon Chas. Hunter is attached to the Nagpore Subsidiary Force, and directed to proceed to his new destination without delay, making the periodical tour of Inspection of the Division in his progress to Nagpore.

The appointment in Battalion Orders of the 12th ultimo by Major J. Delamain, Commanding the 2d Battalion 29th Regiment Native Infantry, of Lieutenant T. Williams to act as Adjutant to the Battalion during the absence on leave of Brevet-Captain and Adjutant Badenach, is confirmed.

Lieutenant W. F. Steer is appointed Interpreter and Quarter Master to the 2d Battalion 16th Native Infantry in the room of Lieutenant (Brevet-Captain) Lester, who resigns.

The undermentioned Gentlemen Cadets are appointed to do duty with the Corps specified opposite to their names respectively.

Mr. Monteath, 2d Battalion 13th Regt. N. I. at Chittagong.

Mr. Anson, Wood's Levy, 13th Regiment N. I. at Benares.

Mr. Hardwick, Wing 2d Battalion 13th Regiment N. I. at Dacca.

Head-quarters, Calcutta; Jan. 2, 1823.

The following temporary Appointments made by Colonel Adams, C. B., Commanding Nagpore Subsidiary Force, in Division Orders under date the 13th ultimo, are confirmed.

Lieutenant Rawlin of Artillery to act as Adjutant and Quarter Master, and Assistant Surgeon Corbys, proceeding on general leave, to

assume Medical charge of the relieved Companies of Artillery under Command of Captain Marshall during their progress to the Presidency.

Assistant Surgeon Toke to the Medical charge of 1st Battalion 21st Regiment Native Infantry, during the absence on leave of Assistant Surgeon Corby.

Head-quarters, Calcutta; January 3, 1823.

The undermentioned Officer has Leave of Absence.

2d Battalion 16th Regiment.—Captain F. Buckley, from 26th December 1822, to 1st February, to remain at the Presidency, on private affairs.

Head-quarters, Calcutta; January 4, 1823.

Lieutenant Richard Burney, of the 1st Battalion 8th Regiment, is appointed to do duty with the 1st Battalion 10th Regiment Native Infantry until further orders.

The leave of absence granted in General Orders of the 28th November last, to Ensign Richardson, to enable him to join the Corps of Hill Rangers, is cancelled.

Assistant Surgeon James Jones, M. D., is directed to do duty with the Artillery at Dum Dum.

Captain C. C. Chetty is appointed Aid-de-Camp to Major General Hardwick, Commandant of Artillery, from the 1st instant, vice Hyde, appointed to the Horse Artillery.

Captain G. Bolton, of the Honourable Company's European Regiment, is directed to join the Detachment of that Corps now in Fort William and under orders to proceed to Nagpore.

Assistant Surgeon Corby having been detached from his Corps on public duty, the leave of Absence granted to him in General Orders of the 27th September 1822, is cancelled.

The undermentioned Officer has Leave of Absence.

1st Battalion 15th Regiment (doing duty 1st Battalion 13).—Ensign A. L. Barwell, from 31st December 1822, to 1st February, in extension, to remain at the Presidency.

JAS. NICOL, Adj. Genl. of the Army.

Selections.

Bombay, 21st Dec. 1822.—The expected free trader *PROXIMA*, Capt. Weynton, from London, arrived here on Saturday last. Having left England a few days before the *WATERLOO*; she has not furnished us with any European intelligence. She touched at the Cape of Good Hope. The *GENERAL HEWITT*, Capt. in Pearson, had arrived at that place after a tedious passage of 16 weeks from England. She was to sail again, for Calcutta, on the 10th October; and we are sorry to learn that Capt. Pearson was too unwell to proceed in command of her.

The whale fishery at the Cape and in Algoa Bay had been very unsuccessful this season.

On Wednesday, the *CHARLOTTE* of this port, Capt. Stevenson, arrived here from China. She sailed thence the 18th September in company with the *CORNWALLIS*. The *GOOD SUCCESS* had sailed nine days before. All the Honourable Company's ships from Bombay had arrived, excepting the *CATTLE HUNTLEY*, but it is supposed this ship passed the *CHARLOTTE* near the mouth of the Canton river. The country ships from Bombay had also arrived.

There has not been any new disturbance nor any interruption in the trade with the Chinese. The markets were extremely dull. Bombay Cotton was scarcely saleable even at 8 *Teles*. Patna Opium was nominally at 2400 dollars, and Malwa 1200; there had been but few sales made; and the prices, it was expected, would rapidly decline in consequence of the very large stocks on hand.

The *GOOD SUCCESS*, Captain W. Thor, Poynton, and the *CORNWALLIS*, Captain Robert Graham, from China, entered our harbour yesterday.

The subscription for our distressed countrymen of the Green Island augments rapidly. Amongst the numerous benefactors to this fund, His Highness the Nawab of Surat stands conspicuous for his magnificent donation of 1000 rupees.

The receipts at our Theatre on Friday so-night exceeded 3000 rupees we hear, most of which we believe the managers will be able to assign over to the Committee.

The Honourable the Governor and suite were to leave Bejapoor, on the 17th instant.

Addresses to the most noble the Marquis of Hastings have been voted by the inhabitants of Calcutta and Madras. Our readers will perceive by an advertisement in our preceding columns, that a meeting of the British inhabitants of this Presidency, for a similar purpose, is requested this day at 12 o'clock.

Sporting Intelligence.—The Kaira Races commenced on the 10th inst. when there being no candidates for the Sweepstakes, seven horses started for the Kaira Plate of a thousand rupees, weight for age, two mile heats, which was won with great ease by Captain Hevelock's Clinker beating Fitz Eustace, Overton, Radical, Philwan, &c. &c.

The first heat was sharply contested, and six of the horses pretty well together for the first mile, when Clinker took the lead and kept it, his rider looking back to see what had become of the favorites.

For the second heat, Fitz Eustace was drawn, and Clinker again won easy.

Time—1st heat 4 m. 47 s.

2nd—won in a canter.

The betting was at starting Fitz Eustace again the field even, and three to one the field against any other.

Mission to Siam and Cochin China.—The accounts published in several of the Calcutta Newspapers on the authority of letters from Singapore and Penang, respecting the reception and treatment of the British Mission at Siam, are now ascertained to be in many respects unfounded. We are enabled to lay before our readers the following interesting narrative of the proceedings of the Mission, the leading facts of which we believe, may be relied upon. It appears that so far from the Chief of the Mission or any other person being interrupted on an excursion of pleasure, no individual attached to the Mission ever received even an insulting expression from any class of the people during a residence of nearly 4 months. Neither does it seem to have been true that offence was taken at making drawings or sketches, as express permission was given for that purpose even within the palace itself as well as for making use of the astronomical instruments belonging to the Mission. The comparative account given of the reception accorded to the British Mission and of that to the Cochin Chinese Envoy, appears to have been equally unfounded. In fact the reception of the British Mission was a distinguished one; for in consideration of the Authority by whom it was deputed, it was permitted contrary to universal custom to proceed to the capital in an armed ship, carrying all its guns, while the audience given by the King, was itself far more flattering than that granted to the Cochin Chinese Mission. Long after the departure of the Mission, however, some unpleasant circumstances did occur originating in causes to which we are strangers, but which we hear were totally unconnected with the Mission.

By the treaty entered into with the Siamese, the free admission of British commerce is stipulated, for an engagement entered into that the present duties amounting generally to 8 per cent. shall never be raised, and a pledge given of cordial assistance from the officers of Government. The great object of Government was to secure such a free trade as is granted to the Chinese, but this could not be brought about without entering into such political relations with the Siamese as are at variance with the known principles of moderation assumed by our Government.

About the middle of July the Mission finally quitted Siam after receiving the presents and letters for the Governor General. The first portion of the territory of Cochin China at which it touched was the island or islands of Palo Condore, where the English had a settlement in the first years of the 18th Century. In wandering through the woods not far from the shore, the gentlemen of the Mission came accidentally upon the remains of the English fort, and could easily distinguish the relics of an European establishment by the fragments of earthen ware, bottles and tobacco pipes, with which the ground was still strewed after a lapse of 150 years. The garrison had been murdered by their own Malay soldiers, and a few individuals who happened to be without, alone escaped, making their way to the kingdom of Johore on the Malayan Peninsula in an open boat which by chance they found upon the beach. Our countrymen were received by the simple and harmless inhabitants of Palo Condore with a kindness and a cordiality which could not be surpassed.

Towards the end of August the Mission reached Cape St. James, which forms the eastern entrance of the River of Sai-gun. This river is obstructed by no bar, and is unquestionably the finest and safest in these parts of the world. The Mission ship stood in boldly without a pilot, which was indeed unnecessary, and anchored within 10 miles of the mouth of the river. A line-of-battle ship might go up as far as the city of Sai-gun, about 50 miles, without risk or difficulty. Mr. Chawpurn's object in visiting that city, it is alleged, was to ascertain the commercial resources of a place so noted in the native commerce of these parts. The Governor of Sai-gun is the first subject in Cochin China and a person of great influence. The Governor General's Agent received from him a frank and cordial invitation to visit Sai-gun, and a number of handsome war galleys were sent to accommodate him and his party. He went up accompanied only by one of the gentlemen of his suite, and stayed 6 or 8 days, finally returning much gratified by his reception. During the first day or two after his arrival he was received with some caution and even suspicion, but as soon as the true objects of the Mission were distinctly understood, with a frankness and hospitality which did credit to the character of the Cochin Chinese, Elephant and Tiger fights and mock battles were given for the amusement of the party, who were also pressed to accept of provisions and necessaries for the use of themselves and the ship. The most gratifying part of the reception of our countrymen at Sai-gun, was that which they received from all the respectable and rich Chinese merchants of the place. These people without exception expressed their anxious desire for an intercourse with our nation. When the Governor General's agent made an accidental visit to their quarter of the city, he found splendid entertainment prepared for him at the houses of five or six of the principal persons amongst them, while his boots stood at the door to invite him and his

party. Nothing could exceed the politeness with which these entertainments were given. Sai gon has a regular fortification upon a French model, and the place contains from 30 to 40,000 inhabitants.

The Mission left the river of Sai gon in the beginning of September, and about the middle of the same month reached the spacious Bay of Turan, the same spot at which Lord Macartney refreshed on his route to China in 1793.—The local authorities there received it with great civility. In about eight days, communication had been held with the capital, distant about 60 miles, and an invitation was brought to the Agent to the Governor General to visit the seat of the Government. War-galleys were sent to bring him up, but the number of persons to accompany him was expressly limited to the same which it was pretended the Mission from France and Siam had been restricted to. After a voyage of 18 or 20 hours, Mr. Caawbun and his party reached Hoi, the capital, which is situated about 8 or 10 miles up a river of the same name, about the latitude of 17 North. Here they were at first watched with a degree of jealousy which far exceeded that which they experienced at Sai gon, being guarded and fenced in, in pretty much the same manner as Mr. Kusun-runs describes the Russian Mission to Japan to have been. This, however, only continued for the first few days, and until, as at Sai gon, the real objects of the Mission were explained. As soon as this took place the gentlemen were allowed to range the town and country as they thought proper. It was found, however, that no public audience could be granted, the same having been refused to the French Envoy. This is all we have been able to learn, but it is generally understood that the essential objects of the Mission have been completely gained, and that our trade is to be admitted into the kingdom of Cochin China, on the same terms as that of the Chinese, the Portuguese, and of the French since the year 1818.

By these terms all goods are imported duty free, and without examination, the export duties seldom exceeding 5 per cent. are chargeable only on a few articles, and the measurement duty does not exceed one-half of that charged on European ships in the ports of Calcutta.

There are in Cochin China only two French gentlemen, and those have the rank of Mandarins. There is no such thing as a French party though this has been commonly supposed. The Cochin Chinese Government is indeed at present too strong and too jealous to admit of any predominating foreign influence in its councils; so much the more likely therefore will it be to do justice to its own subjects, and to give full play to the strangers who visit its ports with views of Commerce. Hoi appears to contain about 30,000 inhabitants. The Country around is highly cultivated, sandy and not fertile; but very picturesque and beautiful. The river is broad, but shallow, and runs over a bed of white sand, which makes it as pure as a mountain stream. It is not convenient for navigation, yet a number of junks from Tonquin and China frequent it. The greatest curiosity to be seen in it, is the new fortification, or rather, the new fortified city, which was begun about 18 years ago by the late King, and is not yet quite completed. It is between 5 & 6 miles in circumference, and the workmanship is perfect and beautiful. It is surrounded by a double fosse. In the ramparts and bastions are above 800 embrasures. The arsenal which is in the highest order, contains above 2,000 pieces of Artillery, the greater number of brass, and cast in Cochin China. In proof of the confidence of the Cochin Chinese Government, the Mission was allowed to return by land. This was a journey of 8 or 4 days, and from what we have heard, highly interesting.

A Visit to Fai-fa, a place about 40 miles distant from the Bay of Turan, and the principal seat of the commerce with China, terminated the intercourse of the Mission with Cochin China, and it sailed for Singapore, by the end of October.

The inhabitants of Fai-fa are almost all Chinese, and commonly about 5,000 in number, but in the season of the Junks, April, May, June and July, there is a continual fair held and a great concourse of people.

The Cochin Chinese in their persons are a short squat people, dressing in the ancient costume of China, and wearing handsome turbans, instead of the naked heads, and grotesque tails, which the latter people have been compelled to assume since their last subjugation by the Tartars.—In their manners they are very pleasing to strangers.—They are great talkers, and great laughers, and although as well lodged a people as any on earth, are certainly among the most light hearted of mankind.—They are great imitators of Chinese manners and ceremonies, and keep up an extensive intercourse with that people, although politically and essentially independent of them.

The standing army amounts to 20,000 men, regularly armed and organized after the European model, and well clothed in English broad coats imported from Canton.

The great commercial ports are Sai gon, Fai-fa, Hoi and Cachao, the last the capital of Tonquin, and place where once a great trade was conducted by the Dutch and English. The Chinese trade which extends to almost every maritime province in China, up to the Gulf of Po-che-li is inclined to amount to little less than 20,000 tons annually. If through this channel, as seems highly probable, English and Indian goods can be disseminated through China, the liberal and extensive views of the

Marquess of Hastings in sitting out the Mission will not disappoint public expectation. The productions which it is considered will be most likely to suit this market, will be raw Cotton, British Piece Goods, and Woolens, Opium, Iron, Tin Lead, Pepper, Ginseng, Salt Petre, and Furs, not to mention Fire-Arms, and other articles of minor consideration. Cochin China produces excellent clayed Sugar, Sugar Candy, true Cinnamon, and a large quantity of raw silk, with fine Varnish equal to that of Japan, and some drying drugs not yet known to the manufacturers of Europe, and which promise to make favorable articles for a return cargo.

The zealous and able exertions of Mr. Finlayson, the gentleman entrusted with the Department of Natural History, are said to have been attended with great success, and an extensive collection, especially in the Departments of Botany and Zoology, has been made, among which are several new species of animals, and a great many new genera and species of plants. With the assistance of Dr. Wallich, who joined the Mission at Singapore, one of the largest collections of living exotic plants, ever introduced into this Presidency, is understood to have been brought upon the Mission Ship.

It was impossible that so much new ground should have been passed over without adding important matter to the mass of geographical knowledge, and we are accordingly informed that in this department valuable acquisitions have been made.

New Road to New Anchorage.—Many pilgrims are, we understand, availing themselves of the new route, and preparing to travel by land to the Temples at Gunga Sagar. Previously the most disastrous accidents were frequent, and many lives lost by the up-setting of Boats proceeding to the Island.

Mrs. Fendall's Dance.—Mrs. Fendall entertained a very elegant and fashionable party on Monday last. The rooms were full, and Country Dances, Quadrilles and Waltzes kept up the lively scene till a late hour. —*Government Gazette.*

Mr. Mack's Third Chemical Lecture.—Circumstances do not permit us to enter so fully into this subject as we intended, and as our zeal for the promotion of science would prompt. The Public have been already made acquainted with Mr. Mack's abilities as Lecturer; so all we have to do is to add our mite of approbation to the unanimous voice of our contemporaries. The condensation of the extensive and over extending science of Chemistry into Twelve Lectures, renders the utmost conciseness necessary; and it would therefore be impossible to compress the substance of the Lecture within such limits as necessary for our pages. Besides, such an abstract would present little of novelty to those versed in the study of Chemistry, and be nearly unintelligible to others. We shall therefore rest content now with the following notices only of what was new to ourselves and perhaps to our readers.

Mr. Mack exhibited a beautiful little model of a steam engine constructed on the principle of Watt's, which was set going, fire being applied to the boiler, and operated successfully to the great satisfaction of the audience.

He also produced and explained the properties of a very elegant Instrument called a Hygrometer invented by Mr. Daniell of London. It is something analogous to Leslie's well known differential Thermometer, and by lengthening one of the limbs could be made to answer the same purposes. Its object is to ascertain the quantity of aqueous vapour in the atmosphere, and the probability of that vapour being speedily or remotely condensed into rain. Mr. Mack stated that the Instrument was exceedingly valuable, being the only Hygrometer constructed on scientific principles and calculated to determine the humidity of the atmosphere with precision; consequently far exceeding all others, some of which he enumerated that depend on the expansibility of certain substances from moisture. Mr. Daniell's Hygrometer has two balls fixed at the extremities of a bent glass tube with a long and shorter limb. The ball terminating the short stalk is empty and the other contains a portion of Ether. When a little Ether is dropped on the first, the vapour occupying the vacuum inside is condensed and the evaporation of the Ether in the other ball necessarily takes place which gradually produces such a degree of cold as to condense the vapour from the atmosphere, in a ring round the outside of the ball, exactly corresponding with the surface of the Ether inside. The temperature at which this condensation takes place, indicated by a Thermometer placed inside, is the constant temperature of the vapour in the atmosphere, and the greater or less difference, between that and the actual temperature of the air, shows the liability or otherwise to the condensation of this vapour in the form of rain.—*Hurkara.*

ERRATA.

In the JOURNAL of yesterday, at page 121, column 1, line 1, for "A NEW KIND FALLEN ENERGY," read "A NEW KIND OF FALLEN ENERGY."

In column 1, paragraph 2, line 10, for "blinded," read "blinded."

In column 2, paragraph 2, line 5, for "a groundless," read "as groundless."